

105TH CONGRESS }  
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SENATE

{ TREATY DOC.  
105-54 }

TREATY WITH BELIZE FOR  
RETURN OF STOLEN VEHICLES

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MESSAGE

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES  
OF AMERICA AND THE GOVERNMENT OF BELIZE FOR THE RE-  
TURN OF STOLEN VEHICLES, WITH ANNEXES AND PROTOCOL,  
SIGNED AT BELMOPAN ON OCTOBER 3, 1996



JUNE 23, 1998.—Treaty was read the first time, and together with the  
accompanying papers, referred to the Committee on Foreign Relations  
and order to be printed for the use of the Senate

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U.S. GOVERNMENT PRINTING OFFICE

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WASHINGTON : 1998



## LETTER OF TRANSMITTAL

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THE WHITE HOUSE, *June 23, 1998.*  
*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of Belize for the Return of Stolen Vehicles, with Annexes and Protocol, signed at Belmopan on October 3, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of stolen vehicle treaties being negotiated by the United States in order to eliminate the difficulties faced by owners of vehicles that have been stolen and transported across international borders. When it enters into force, it will be an effective tool to facilitate the return of U.S. vehicles that have been stolen and taken to Belize. The Treaty establishes procedures for the recovery and return of vehicles that are registered, titled, or otherwise documented in the territory of one Party, stolen in the territory of one Party, stolen in the territory of that Party or from one of its nationals, and found in the territory of the other Party.

I recommend that the Senate give early and favorable consideration to the Treaty, with Annexes and Protocol, and give its advice and consent to ratification.

WILLIAM J. CLINTON.



## LETTER OF SUBMITTAL

DEPARTMENT OF STATE,  
*Washington, May 27, 1998.*

The PRESIDENT,  
*The White House.*

THE PRESIDENT: I have the honor to submit to you the Treaty between the Government of the United States of America and the Government of Belize for the Return of Stolen Vehicles (the "Treaty"), with Annexes and Protocol, signed at Belmopan on October 3, 1996. I recommend that the Treaty, with Annexes and Protocol, signed at Belmopan on October 3, 1996. I recommend that the Treaty, with Annexes and Protocol, be transmitted to the Senate for its advice and consent to ratification.

The Treaty establishes procedures for the recovery and return of vehicles that are registered, titled or otherwise documented in the territory of one Party, stolen in the territory of that Party or from one of its nationals, and found in the territory of the other Party. The United States currently has only one such treaty in force, the 1981 Convention between the United States of America and the United Mexican States for the Recovery and Return of Stolen or Embezzled Vehicles and Aircraft. The Treaty with Belize is one of several treaties that have recently been negotiated with countries in Central America, the Caribbean, and Central Europe, and contains many provisions similar to those in the 1981 Mexico treaty. The Treaty with Belize incorporates an important improvement in one aspect over the treaty with Mexico in that it sets more restrictive deadlines for action by the Party receiving a request for the return of a vehicle. As with the Mexico treaty, this Treaty will not require implementing legislation.

Article 1 defines certain terms for purposes of the Treaty. Article 1(3) provides that a vehicle will not be presumed to be stolen when exported in accordance with the Protocol to the Treaty. The Protocol states the understanding of the Parties that the Government of Belize will not presume a vehicle to be stolen if it has been exported from the United States in accordance with U.S. legal requirements and if the person claiming to own the vehicle in Belize presents U.S. Customs documentation.

Article 2 sets forth the agreement of the Parties, in accordance with the Treaty's terms, to return vehicles that are registered, titled, or otherwise documented in the territory of the other Party, stolen in the territory of the other Party or from one of its nationals, and found in the territory of the first Party.

Article 3(1) requires that whenever the police, customs, or other authorities of a Party impound or seize a vehicle that they have reason to believe is registered, titled, or otherwise documented in the territory of the other Party, the first Party shall, within 30

days of the impoundment or seizure, notify in writing the Embassy of the other Party that is authorities have custody of the vehicle. Article 3(2) provides that such notification will include all available identifying information about the vehicle listed in Annex 1 appended to the Treaty.

Article 4 requires the authorities of a Party who have impounded or seized a vehicle which may be subject to return under the Treaty to take reasonable steps to safeguard the vehicle, including preventing the obliteration or modification of identifying information such as vehicle identification numbers. The Article also prohibits such authorities from operating, auctioning, dismantling, or otherwise altering or disposing of the vehicle unless certain enumerated conditions are met, such as not having received a request for the return of the vehicle within 60 days of receipt of a notification made pursuant to Article 3.

Article 5 prescribes the form and content of requests for return of vehicles under the Treaty. Article 5(1) provides that after a Party has received a notification pursuant to Article 3, it may submit a request for the return of the vehicle. Article 5(2) requires the request to be transmitted under seal of a consular officer of the Requesting Party and to follow the form appended in Annex 2. The request must be transmitted under cover of a note to the foreign ministry of the Requested Party, and may be made only after receipt by the consular officer of certified copies of the documents listed in Article 5(2). Article 5(3) provides that no further legalization or authentication of documents shall be required by the Requested Party.

Under Article 5, a Party that has learned outside of the Article 3 notification process that the authorities of the other Party may have impounded, seized, or otherwise taken possession of a vehicle that may be registered, titled, or otherwise documented in the territory of the first Party, may, through a note to the foreign ministry of the other Party, seek official confirmation of this and may request the other Party to provide notification pursuant to Article 3. The other Party must either provide the notification or explain, in writing, why notification is not required. The first Party may also, in appropriate cases, submit a request for return of the vehicle.

Article 7(1) requires the Requested Party to determine, within 30 days of receiving a request for return of a stolen vehicle, whether the request meets the requirements of the Treaty and to notify the Embassy of the Requesting Party of its determination. Article 7(2) requires the Requested Party, within 15 days of its determination that a request for return meets the requirements of the Treaty, to make the vehicle available to the owner or the owner's authorized representative. The vehicle must remain available for the owner or the owner's authorized representative to take delivery for at least 90 days. The Requested Party is also required to take necessary measures to permit the owner or the owner's authorized representative to take delivery of the vehicle and return with it to the territory of the Requesting Party. Where the Requested Party determines that a request for return does not meet the requirements of the Treaty, under Article 7(3) it must provide written notification

to the Embassy of the Requesting Party, including the grounds for its decision.

Article 8 sets forth several circumstances under which a Requested State either has no obligation to return a vehicle whose return has been requested or can defer the surrender of the vehicle. Article 8(1) provides that if a vehicle whose return is requested is being held in connection with a criminal investigation or prosecution, its return will be effected when its presence is no longer required for that investigation or prosecution. However, the Requested Party is required to take all practicable measures to assure that substitute pictorial or other evidence is used wherever possible in such investigation or prosecution so that the vehicle may be returned as soon as possible.

Article 8(2) states that where the ownership or custody of a vehicle whose return is requested is the subject of a pending judicial action in the territory of the Requested Party, its return shall be effected at the conclusion of the judicial action. The Requested Party will have no obligation to return the vehicle if such judicial action results in a final decision that awards the vehicle to a person other than the person identified in the request for return as the owner of the vehicle or the owner's authorized representative. It further provides that judicial actions under this Article may include adjudication by an administrative panel specifically designated by the Requested Party to review the question of ownership or custody of vehicles, so long as the Requested Party gives the Requesting party at least 60 days written notice of the administrative proceeding, and the decision of the administrative panel may be appealed to a court of law by any person claiming ownership of the vehicle.

Article 8(3) provides that a Party will have no obligation to return a vehicle whose return is requested if the vehicle is subject to forfeiture under its laws because it was used in its territory for the commission of a crime with the consent or complicity of the owner, or represents the proceeds of such a crime. The Requested Party is required to give the owner or the owner's authorized representative reasonable notice and an opportunity to contest such forfeiture in accordance with its laws.

Under Article 8(4), a Party will have no obligation to return a stolen vehicle if no request for return is received within 60 days of receipt of a notification made pursuant to Article 3.

Article 8(5) requires the Requested Party to notify the Embassy of the Requesting Party in writing within 30 days of receipt of a request for return if the return of a stolen vehicle is postponed pursuant to Article 8.

Article 9(1) prohibits the Requested Party from imposing any import or export duties, taxes, fines, or other monetary penalties or charges on vehicles returned in accordance with the Treaty, or on their owners or authorized representatives, as a condition for the return of such vehicles.

Article 9(2) and 9(3) apportion the expenses associated with the return of vehicles under the Treaty. Article 9(2) provides that reasonable expenses incurred in the return, including towing costs, storage costs, maintenance costs, transportation costs, and costs of translation of documents required under the Treaty will be borne

by the person seeking its return and will be paid prior to the return of the vehicle. Under Article 9(3), the expenses of return in particular cases may include the costs of any repairs or reconditioning of a vehicle that were necessary to permit the vehicle to be moved to a storage area or maintained in the condition in which it was found. However, the person seeking the return of the vehicle will not be responsible for the costs of any other work performed on the vehicle while it was in the custody of the authorities of the Requested Party.

Article 9(4) provides that if the Requested Party complies with the provisions of the Treaty with respect to recovery, storage, safekeeping, and, where appropriate, return of a vehicle, and, where appropriate, return of a vehicle, no person will be entitled to compensation from the Requested Party for any damage caused to or sustained by the vehicle while in the custody of the Requested Party.

Article 10 provides that the mechanisms for the recovery and return of stolen vehicles under this Treaty shall be in addition to those available under the laws of the Requested Party, and that nothing in the Treaty shall impair any rights for the recovery of stolen vehicles under applicable law.

Article 11(1) requires any differences regarding the interpretation or application of the Treaty to be resolved through consultations between the Parties. Article 11(2) states that the Treaty will be subject to ratification and will enter into force on the date of exchange of instruments of ratification. Article 11(3) states that the annexes and Protocol appended to the Treaty will be considered an integral part of the Treaty. Article 11(4) further provides that either Party may terminate the Treaty upon a minimum of 90 days written notification.

The Department of Justice joins the Department of State in favoring approval of the Treaty, with Annexes and Protocol, by the Senate as soon as possible.

Respectfully submitted,  
STROBE TALBOT.

TREATY  
BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF BELIZE  
FOR THE RETURN OF STOLEN VEHICLES

The Government of the United States of America and the  
Government of Belize (hereinafter, "the Parties");

Recognizing the growing problem of transnational theft of  
vehicles;

Considering the difficulties faced by innocent owners in  
securing the return of vehicles stolen in the territory of one  
Party that are recovered in the territory of the other Party;  
and

Desiring to eliminate such difficulties and to regularize  
procedures for the expeditious return of such vehicles;

Have agreed as follows:

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Article 1

For purposes of this Treaty:

- (1) A "vehicle" means any automobile, truck, bus, motorcycle, motorhome, or trailer.
- (2) A vehicle shall be considered "stolen" when possession thereof has been obtained without the consent of the owner or other person legally authorized to use such vehicle. A vehicle shall also be considered "stolen" when:
  - (a) it is unlawfully appropriated by the person who had rented it from an enterprise legally authorized for that purpose and in the normal course of business, or
  - (b) it is unlawfully appropriated by a person with whom it has been deposited by official or judicial action.
- (3) A vehicle shall not be presumed to have been stolen when it is exported in accordance with the Protocol to this Treaty.
- (4) All references to "days" shall mean calendar days.

Article 2

Each Party agrees to return, in accordance with the terms of this Treaty, vehicles that are:

- (1) registered, titled, or otherwise documented in the territory of the other Party;
- (2) stolen in the territory of the other Party or from one of its nationals; and
- (3) found in the territory of the first Party.

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Article 3

1. Whenever police, customs, or other authorities of a Party impound or seize a vehicle and they have reason to believe that such vehicle is registered, titled, or otherwise documented in the territory of the other Party, the first Party shall, within 30 days of such impoundment or seizure, notify, in writing, the Embassy of the other Party that its authorities have custody of the vehicle.

2. Such notification shall include all available identifying information about the vehicle listed in Annex 1.

Article 4

Authorities of a Party who have impounded or seized a vehicle that may be subject to return in accordance with this Treaty shall take reasonable steps regarding the safekeeping of the vehicle, including preventing the obliteration or modification of identifying information such as vehicle identification numbers. The said authorities shall not thereafter operate, auction, dismantle, or otherwise alter or dispose of the vehicle. However, this Treaty shall not preclude the said authorities from operating, auctioning, dismantling, or otherwise altering or disposing of the vehicle if:

(1) No request for the return of the vehicle is received within 60 days of receipt of a notification made pursuant to Article 3;

(2) A determination is made in accordance with Article 7(1) that a request for the return of the vehicle does not meet the requirements of this Treaty, and notification of

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such determination has been made in accordance with Article 7(3);

(3) The vehicle has not been retrieved, within the time period stated in Article 7(2), by the person identified in the request for return as the owner or the owner's authorized representative after the vehicle has been made available as provided in Article 7(2); or

(4) There is no obligation under this Treaty, pursuant to Article 8(2) or Article 8(3), to return the vehicle.

#### Article 5

1. After a Party receives a notification made pursuant to Article 3, that Party may submit a request for the return of the vehicle.

2. The request for return shall be transmitted under seal of a consular officer of the Requesting Party and shall follow the form appended in Annex 2. The request shall be transmitted under cover of a note to the foreign ministry of the Requested Party. A request shall be made only after receipt by the consular officer of certified copies of the following documents:

(a) The title of ownership to the vehicle, if the vehicle is subject to titling, but, if the title is not available, a certified statement from the titling authority that the vehicle is titled and specifying the person or entity to whom it is titled;

(b) The certificate of registration of the vehicle, if the vehicle is subject to registration, but, if the registration document is not available, a certified statement from the registering authority that the vehicle

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is registered and specifying the person or entity to whom it is registered;

(c) The bill of sale or other documentation that establishes ownership of the vehicle, in the event the vehicle is not titled or registered;

(d) Documentation that establishes the transfer of ownership of the vehicle, if subsequent to the theft of the vehicle the owner at the time of the theft has transferred ownership to a third party;

(e) The report of the theft issued by a competent authority of the Requesting Party. In the event that the theft is reported by the victim to the competent authority after the vehicle is seized or otherwise comes into possession of the Requested Party, the person seeking its return shall furnish a document justifying the reasons for the delay in reporting the theft and may provide any supporting documentation therefor; and

(f) In cases in which the person requesting the return of a vehicle is not the owner, a power of attorney granted in the presence of a notary public by the owner or his legal representative, authorizing that person to recover the vehicle.

3. No further legalization or authentication of documents shall be required by the Requested Party.

#### Article 6

If a Party learns, through means other than a notification made pursuant to Article 3, that the authorities of the other Party may have impounded, seized, or otherwise taken possession

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of a vehicle that may be registered, titled, or otherwise documented in the territory of the first Party, that Party:

(1) may, through a note to the foreign ministry of the other Party, seek official confirmation of this and may request the other Party to provide the notification described in Article 3, in which case the other Party shall either provide the notification or explain, in writing, why notification is not required; and

(2) may also, in appropriate cases, submit a request for the return of the vehicle as described in Article 5.

#### Article 7

1. Except as provided in Article 8, the Requested Party shall, within 30 days of receiving a request for the return of a stolen vehicle, determine whether the request for return meets the requirements of this Treaty for the return of the vehicle and shall notify the Embassy of the Requesting Party of its determination.

2. If the Requested Party determines that the request for the return of a stolen vehicle meets the requirements of this Treaty, the Requested Party shall, within 15 days of such determination, make the vehicle available to the person identified in the request for return as the owner or the owner's authorized representative. The vehicle shall remain available for the person identified in the request for return as the owner or the owner's authorized representative to take delivery for at least 90 days. The Requested Party shall take necessary measures to permit the owner or the owner's authorized

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representative to take delivery of the vehicle and return with it to the territory of the Requesting Party.

3. If the Requested Party determines that the request for return does not meet the requirements of this Treaty, it shall provide written notification to the Embassy of the Requesting Party, including grounds for its decision.

#### Article 8

1. If a vehicle whose return is requested is being held in connection with a criminal investigation or prosecution, its return pursuant to this Treaty shall be effected when its presence is no longer required for purposes of that investigation or prosecution. The Requested Party shall, however, take all practicable measures to assure that substitute pictorial or other evidence is used wherever possible in such investigation or prosecution so that the vehicle may be returned as soon as possible.

2. If the ownership or custody of a vehicle whose return is requested is the subject of a pending judicial action in the territory of the Requested Party, its return pursuant to this Treaty shall be effected at the conclusion of that judicial action. However, a Party shall have no obligation under this Treaty to return the vehicle if such judicial action results in a final decision that awards the vehicle to a person other than the person identified in the request for return as the owner of the vehicle or the owner's authorized representative. Such judicial action may include adjudication by an administrative panel specifically designated by the Requested Party to review the question of ownership or custody of vehicles, so long as

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(1) the Requested Party gives the Requesting Party at least 60 days written notice of such administrative proceeding, and (2) the decision of such administrative panel may be appealed, by any person claiming ownership or custody of a vehicle, to a court of law.

3. A Party shall have no obligation under this Treaty to return a vehicle whose return is requested if the vehicle is subject to forfeiture under its laws because it was used in its territory for the commission of a crime with the consent or complicity of the owner, or represents the proceeds of such a crime. The Requested Party shall not forfeit the vehicle without giving the owner or the owner's authorized representative reasonable notice and an opportunity to contest such forfeiture in accordance with its laws.

4. A Party shall have no obligation under this Treaty to return a stolen vehicle if no request for return is received within 60 days of receipt of a notification made pursuant to Article 3.

5. If the return of a stolen vehicle whose return is requested is postponed pursuant to this Article, the Requested Party shall so notify the Embassy of the Requesting Party in writing within 30 days of receiving a request for the return of the vehicle.

#### Article 9

1. The Requested Party shall not impose any import or export duties, taxes, fines, or other monetary penalties or charges on vehicles returned in accordance with this Treaty, or

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on their owners or authorized representatives, as a condition for the return of such vehicles.

2. Reasonable expenses incurred in the return of the vehicle in accordance with this Treaty, including towing costs, storage costs, maintenance costs, transportation costs, and costs of translation of documents required under this Treaty, shall be borne by the person seeking its return and shall be paid prior to the return of the vehicle.

3. In particular cases, the expenses of return may include the costs of any repairs or reconditioning of a vehicle that were necessary to permit the vehicle to be moved to a storage area or to maintain it in the condition in which it was found. The person seeking the return of a vehicle shall not be responsible for the costs of any other work performed on the vehicle while it was in the custody of the authorities of the Requested Party.

4. Provided that the Requested Party complies with the provisions of this Treaty with respect to recovery, storage, safekeeping, and, where appropriate, return of a vehicle, no person shall be entitled to compensation from the Requested Party for any damage caused to or sustained by the vehicle while it is in the custody of the Requested Party.

#### Article 10

The mechanisms for the recovery and return of stolen vehicles under this Treaty shall be in addition to those available under the laws of the Requested Party. Nothing in this Treaty shall impair any rights for the recovery of stolen vehicles under applicable law.

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Article 11

1. Any differences regarding the interpretation or application of this Treaty shall be resolved through consultations between the Parties.

2. This Treaty shall be subject to ratification. It shall enter into force on the date of exchange of instruments of ratification.

3. The annexes and protocol attached hereto shall be considered an integral part of the Treaty.

4. This Treaty may be terminated by either Party upon a minimum of 90 days written notification.

DONE at *Belmopan*, this *third* day  
of *October*, 1996, in duplicate, both texts being equally  
authentic.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF  
BELIZE:

## ANNEX 1

Identifying Information to be Provided in a  
Notification Made Pursuant to Article 3

1. Vehicle Identification Number (VIN)
2. Name of manufacturer of vehicle
3. Vehicle model and year of manufacture, if known
4. Color of vehicle
5. License plate number (LPN) of vehicle and jurisdiction of issuance (if available)
6. City/other jurisdiction tag or sticker number and name of city/other jurisdiction (if available)
7. A description of the condition of the vehicle, including its operability, if known, and repairs that appear necessary
8. The current location of the vehicle
9. The identity of the authority with physical custody of the vehicle and a contact point, including name, address, and telephone number of the official with recovery information
10. Any information that indicates whether the vehicle was being used in connection with the commission of a crime
11. Whether it appears that the vehicle may be subject to forfeiture under the laws of the notifying Party

## ANNEX 2

## Request for the Return of a Stolen Vehicle

The Embassy of [country name] respectfully requests that (the appropriate authority of [country name]) return the vehicle described below to (its owner/its owner's authorized representative) in accordance with the Treaty Between the Government of the United States of America and the Government of Belize for the Return of Stolen Vehicles:

Make:  
Model (Year):  
Type:  
Vehicle Identification Number:  
License Plates:  
Registered Owner:

The Embassy of [country name] certifies that it has examined the following documents which have been presented by (identity of person submitting documents) as evidence of (his or her ownership of the vehicle/ownership of the vehicle by the person for whom he or she is acting as authorized representative) and found them to be properly certified under the laws of (appropriate jurisdiction).

- a. (document description)
- b. (document description)
- c. (document description)
- d. (document description)

Complimentary closing  
Place and date  
Attachments

## PROTOCOL

In considering the provisions of the Treaty between the Government of the United States of America and the Government of Belize for the Return of Stolen Vehicles, the two Governments developed certain common understandings, which will provide guidance to authorities of the two Governments concerning the Treaty's implementation.

The Government of the United States of America has informed the Government of Belize that the laws and regulations of the United States require that, in order for a vehicle to be exported legally from the United States, documentation concerning the vehicle must be presented to the appropriate U.S. Customs Office and the Customs Office will issue a validation stamp when the title of the vehicle is authenticated.

Accordingly, in implementing its obligations under the Treaty, the Government of Belize shall not presume that a vehicle has been stolen from the United States if it has been exported from the United States in accordance with U.S. legal requirements and the person claiming the vehicle in Belize presents documentation from U.S. Customs.