

Appendix 2. Aycinena Letter of 4 January 1860

Extracts of letter sent by Foreign Minister Pedro Aycinena to Congress

[The letter, in the original Spanish language, is reproduced in Wayne M. Clegern, "A Guatemalan Defence of the British Honduras Boundary of 1859", *Hispanic American Historical Review*, vol. XL, no. 4, 1960, pp.575-581.]

... we were unable to take possession of territories that were uninhabited and deserted, over which we considered ourselves to have rights to succeed to Spain, although we did not have the title of actual possession, nor had we been able to take or exercise any act of sovereignty...

Ignoring our claims to the territories contiguous to the English Settlement, which had been abandoned by Spain and not occupied by us, these areas continued to be occupied and exploited, before and after independence, beyond the limits established in treaties with Spain. The English government, considering these actual occupations as giving them legitimate title, defined the extent of the Settlement as the River Sarstoon, according to a declaration made by the Minister for the Colonies, Sir John Grey in 1836... On our part, after a few claims and protests, we tacitly maintained the *status quo*, without pursuing new initiatives, which appeared to be futile. This government, after some order and regularity had been established in the Administration, looked at this state of affairs and hastened to the extent possible to make some demonstration of our dominion in the margins on the right side of the Sarstoon, by granting the use of these lands to those who had asked for them, in order by this means to exercise a right that would be denied to us for so long as we did not make it practical and effective.¹

Such was the situation when in 1856 the filibusters invaded Nicaragua, which revealed to us the dangers we faced, and the need to conduct our external relations with greater care and precaution; it focused anew the Government's attention on the question of Belize...

When the treaty of 1850 signed between England and the United States was amended, it was agreed that the Settlement would not be given more territory than it then possessed; that is, England's possession was recognised as a legitimate title...

The government... decided to abandon the timid and useless mode of proceeding of our nation's earlier times, which brought us so much discredit and produced such disastrous results, and initiated a negotiation on 1 August 1856, proposing to the English government a definitive boundary agreement, combined with stipulations that would protect our coasts from invasions and attacks like the one we were engaged in repelling in Nicaragua...

The discussions in the Senate of the United States made public the treaty between these two powers [UK & US] that was adjusted in October 1856, in which they mutually agreed the meaning of the 1850 treaty in relation to Belize. That is: the possession of England was expressly recognised, declaring that that British establishment was not and is not included in the said treaty; and with respect to the extension of territory the lines were fixed as to the north, the Mexican province of Yucatan, and as to the south, the River Sarstoon, it being stipulated that the limits on the west, such as they existed on 19

¹ Aycinena is no doubt referring here to the Galindo grants of 1834.

April, 1850, be fixed with Guatemala within two years if possible , and that they should not at any time in the future be extended...

Examining the matter carefully, we could not ignore the fact that the right we had constantly alleged of being presumptive heirs of Spain's sovereignty was very much weakened because of our lack of means to take possession of these lands that had been left deserted and abandoned by Spain herself and subsequently by us. Furthermore, that such a right, faced with Britain's actual possession and her practical exercise of sovereignty, whatever were the means by which they were attained, could lead to a prolonged discussion and, while it could be defended with some foundation by us, it did not offer any reasonable hope for success....

Of course, we admitted that we could not argue against the sovereignty already being exercised with full Spanish acquiescence in 1821, when we became independent, and that, in the case at hand, the issue would be limited to territorial occupation occurring only after that date.

In this regard, setting aside the theoretical points of law that could assist us, we were faced with a practical difficulty in modifying the existing boundaries. Even if we were to prove the point - presumably true despite Britain's contention to the contrary - that the limits were extended as far as the Sarstoon River after Independence, it was no less true that since we had never taken possession of these territories nor recognised them nor maintained agents to represent us in them, this would make it impossible for us to determine which part was occupied during Spanish rule and which part was occupied thereafter. And this difficulty made it really impossible for us to achieve a positive result with our claim.

After collecting all practicable information with the utmost care and diligence... we concluded that the boundary dispute would be reduced to an area of 40-60 miles of uninhabited territory, which in all honesty did not warrant foregoing far more important and lofty objectives in our foreign policy.

From a practical standpoint, the issue was equally plain. A British Establishment and a foreign population existed in our vicinity. Even conceding the possibility that the British Government would relinquish its acquired possession and domain, the population would remain independent from us, because we would not have the capacity to govern and dominate them and because, since we are cut off from that population by uninhabited territories and by the sea, we lack the means to communicate with it. It follows that such a *de facto* independent population could shortly become independent *de jure*, and instead of acquiring the extension of land we sought, we could well find ourselves facing a hostile neighbour, unchecked by any law or rule whatever. We would exchange our coexistence with a large and powerful nation - hence accountable for its own actions unto the world as a whole - for a motley crew of irresponsible adventurers and pirates who would lord themselves over the Gulf of Honduras, i.e. the lifeline of our Republic.

On [the President's] orders we began negotiations and, following our recognition of the current boundaries of the British Establishment as the basis for said negotiations, we proposed - after acknowledging its legal existence - opening an accessible road to this Capital in order to encourage travel and trade with said Establishment by way of our Atlantic Coast. This proviso was accepted by the British representative and included in the treaty approved by the President. Upon examination and approval by the State Council, it was also ratified by H.E.

As to the road to be opened under this Convention, which the President considers immensely beneficial for our agriculture and trade, it is understood that the road will be build with the joint efforts of both parties, Britain to supply engineers and funds, and the Republic to supply materials and labour. ... The President, who believes these works to be highly beneficial - particularly for our Departments along the Atlantic Coast - suggests that we take to this task with utmost dispatch, and the relevant orders have been issued to the authorities of the Coast and of the Department of Chiquimula.