

# Chapter 1

## Evolution of the Nation

*This Chapter will describe how Belize came to be, within the context of competing claims to it by Spain and Britain, and give a concise account of the ensuing dispute between Guatemala and Britain over sovereignty of the territory.*

### Britain and Spain Clash

#### The Belize Settlement

At the dawn of the 17th century Spain still dominated the Central American region.<sup>1</sup> It did not remain unchallenged for long: British pirates and privateers roamed the coast from Yucatán to Costa Rica, raiding Spanish ships for whatever cargo they carried. One lucrative item was logwood, which was valued for its use as a dye in Europe.<sup>2</sup>

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<sup>1</sup> The administrative division of the Spanish Empire in Central America was the Captaincy General of Guatemala, which included the present-day nations of Costa Rica, Nicaragua, Honduras, El Salvador and Guatemala, and the Mexican state of Chiapas. It remains controversial whether it also included Belize or the southern part of it, or whether that territory came under the Captaincy General of Yucatán in southern Mexico.

<sup>2</sup> O. Nigel Bolland, *The Formation of a Colonial Society: Belize, from Conquest to Crown Colony*, Baltimore, 1977, p. 25.

Peace treaties between Britain and Spain in 1667 and 1670 committed both states to suppress piracy, and within a few years many of the former British pirates had settled down to cut logwood all along the coast, from southern Mexico to the Caribbean coast of Central America.

Exactly when the British began to settle in Belize, first known as the Settlement in the Bay of Honduras, is uncertain. The Spanish Fort at Bacalar, established in 1544, deterred British settlers from occupying the coast or cayes of Belize, and its abandonment in 1652 after several attacks on it opened the way for such occupation. The British (some former pirates, others simply adventurers seeking to gain from the logwood trade) did not settle in significant numbers until the 1670s.<sup>3</sup> Over the years, as the British were removed from other places, they congregated in Belize; by 1705 the area around the Belize River mouth was “where the English for the most part now load their logwood”.<sup>4</sup>

Spanish forces sought to dislodge the British from the coasts of Belize at different times (at least six attacks between 1716 and 1754), but if they were chased away the cutters would later return, as the Spaniards did not themselves wish to settle,<sup>5</sup> nor would they allocate enough resources to permanently prevent others from settling. After the British had been cutting logwood in Belize for around a century, Britain finally won from Spain, in the **1763 Treaty of Paris**, the right to cut logwood in “the Bay of Honduras” (without defining any boundaries). Spanish sovereignty over the area was acknowledged. The British agreed to demolish all fortifications they had built, and Spain would ensure that they were not “disturbed or molested under any pretence whatsoever in the said places, in their occupation of cutting, loading, and carrying away logwood”.

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<sup>3</sup> Barbara and Victor Bulmer-Thomas, *The Economic History of Belize*, Cubola Books, Belize, 2012. The book contains an original and convincing account of the early history of Belize, and debunks a few myths about the origin of the name.

<sup>4</sup> Nigel Bolland and Assad Shoman, *Land in Belize, 1765-1871*, Institute of Social and Economic Research, Mona, 1977, p. 5.

<sup>5</sup> Except for brief and sporadic missionary settlements at places like Lamanai and Tipu, which because of Maya resistance did not last long: see Assad Shoman, *A History of Belize in 13 Chapters*, pp. 8-13 (hereafter cited as *13 Chapters*).

In September 1779, however, after war between the parties had broken out again, the Spaniards attacked and captured St. George's Caye, a small island east of the Belize River mouth where the cutters had their homes. There were "about 200 or 250 negroes, men, women and children, mostly House Negroes," as the majority of the slaves were up the rivers at the logwood and mahogany works; there were also 101 white people and 40 "of mixed colour" on the caye. In early October 1779, fifty British men and 250 slaves, who had been upriver at the time of the attack, made good their escape to Roatán and Bonacca, on the Honduran coast. The British did not return to Belize until after the European powers signed a peace treaty in 1783.<sup>6</sup>

In the **Peace of Paris of 1783** (which among other things put an end to the war of independence from Britain of what became the USA) Spain, which had been an ally of the USA against Britain, gained several territories, but again afforded the British settlers the right to cut logwood and this time defined limits: between the Hondo and Belize Rivers. In fact, however, the British cutters had already gone further south, and Britain negotiated a further agreement, known as the **Convention of London, 1786**, by which Spain agreed, in return for the British evacuation of the Mosquito Shore in Honduras, to extend the limits of the Belize settlement southward to the Sibun River.<sup>7</sup> The settlers were allowed to cut any wood, and to gather any produce from the earth, but not to establish plantations. A Spanish officer would inspect the settlement twice a year to ensure compliance. The Convention allowed for the English to inhabit St. George's Caye and to refit their ships in the southern triangle.<sup>8</sup>

For the Belize settlers, the limits were still too restrictive—after all, by 1779 when the Spanish drove away the settlers, a few of them had already gone as far south as Deep River.<sup>9</sup> In addition, the evacuees from the Mosquito Shore who came to the settlement outnumbered

<sup>6</sup> O. Nigel Bolland, *The Formation of a Colonial Society: Belize, from Conquest to Crown Colony*, p. 30.

<sup>7</sup> For a depiction of the boundary lines drawn by these two treaties and the later treaties with Guatemala and Mexico, see Map 1.

<sup>8</sup> An area between St. George's Caye and the Sibun River.

<sup>9</sup> Bolland and Shoman, p.13.

the inhabitants by five to one, and the Superintendent was instructed that they must be given priority in the distribution of the lands between the Belize and Sibun rivers. In this area, the old settlers had already shared out the land between themselves.<sup>10</sup> This set the stage for much conflict between the settlers and the Superintendent, whose powers were ill-defined because of Britain's recognition of Spanish sovereignty. The cutters needed more land for finding and cutting mahogany, and they were not about to restrict themselves to limits that they had far exceeded for many years.

### The Development of the Belize Settlement

At first, the British cut only logwood, but gradually shifted to mahogany. They agreed on regulations for staking their claims to land, which they treated as freehold property.<sup>11</sup> Britain appointed a "Superintendent" with ill-defined powers, and subject to the Governor of Jamaica, to preside over the settlement; he arrived in Belize in 1786.<sup>12</sup>

By the 1720s the British settlers were already importing enslaved Africans to work for them. By the middle of the 18th century, the slaves outnumbered their masters. Most of the Africans were brought from Jamaica, some from those northern British colonies that became the USA. In 1745 there were some 120 slaves in the settlement and by 1779, when the main activity had shifted to mahogany, there were 3000 (86% of the total counted population). Throughout the period of their bondage, the enslaved people of Belize resisted by revolts, escapes to the interior or to neighbouring countries, and other forms of rebellion. Although the British abolition of the slave trade came into effect in 1808, in 1820 there were still over 2,500 slaves in Belize. Thereafter the numbers gradually declined, until by 1835 the census counted 1,184 slaves, just under half of the enumerated population.

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<sup>10</sup> Bolland and Shoman, p. 14.

<sup>11</sup> Nigel Bolland and Assad Shoman, *Land in Belize, 1765-1871*, Jamaica, 1977, pp. 9-10.

<sup>12</sup> Bolland, *Formation*, p. 32. The settlement became a colony in 1862 but remained subject to British administration from Jamaica until 1871, when it became a Crown Colony, pp. 190-191.

Emancipation was won in 1834, although the former slaves were kept in a form of bondage until 1838.<sup>13</sup>

The Belize settlement was surrounded by territories administered by Spanish officials who were only too happy to give escaped slaves refuge as a means of destabilizing the British settlement. The independence of the Central American countries only made matters worse for the slave-owners. In 1825, Superintendent Codd reported that the neighbouring republics had passed a law declaring that all slaves who went over to them would be set free. He complained that those areas were “vastly inhabited by descendants of former Runaways,” and declared that if the matter were not resolved “this Settlement must be entirely ruined”.<sup>14</sup>

When the Anglo-Spanish War broke out in 1796, the settlement at Belize was put on the alert; fortifications were built, and from Jamaica came artillery, ammunition, soldiers and supplies. In 1798 a Spanish expedition from Bacalar (in Mexico) set out to attack the settlement. After a few skirmishes, however, it became clear that they would be unable to overcome the defending forces and they retired from the area.<sup>15</sup> This was the last Spanish attempt to impose its rights of sovereignty in the settlement by force, although on very few occasions, as in 1813, Spain sent protests to Britain regarding the continued defiance by the British settlers of the Treaties of 1783/86.<sup>16</sup> The British government, which did not claim any rights by conquest, responded to this protest by sending precise orders to the Superintendent “to take the most effectual measures for preventing any violations of the 1783 and 1786 treaties,” and that wood-cutting outside the treaty limits be stopped.<sup>17</sup>

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<sup>13</sup> See Bolland, *Formation*.

<sup>14</sup> Codd to Bathurst, 6 February 1825, Letters and Despatches Outwards R.4, BA.

<sup>15</sup> Humphreys, p. 9; see also Assad Shoman, *A History of Belize in 13 Chapters*, Belize, 2<sup>nd</sup> edition, 2011, pp. 117-125 for a discussion on the significance of this incident in Belize’s history, which is glorified in some narratives as “The Battle of St. George’s Caye”.

<sup>16</sup> Conde de Fernán Núñez to Castlereagh, 21 September 1813, FO 72/149. Interestingly, the Spanish Count refers in his note to the protests by the Governor of Bacalar in Mexico, not Guatemala.

<sup>17</sup> Humphreys, pp. 13 and 17.

By that time, however, Spanish forces had their hands full with the increasingly successful independence wars throughout the continent from Mexico to Argentina, and the settlers were quick to take full advantage of this power vacuum to expand the territory they used for logging. By 1814 the woodcutters affirmed that they were in possession of land down to the Moho River, which they asked to be considered by London as the southern border of the settlement.<sup>18</sup> They continued their advance southward, and in 1825 the British Superintendent in Belize described the Sarstoon as being the southern boundary.<sup>19</sup>

## The Anglo-Guatemalan Dispute

### The UPCA Stakes its Claim

By 1824 Spain had lost all its colonies in continental America. On 15<sup>th</sup> September 1821, a meeting of top officials convoked by the Captain-General of Guatemala declared independence from Spain. After a brief period as part of Mexico, an assembly meeting in Guatemala City declared on 1 July 1823 that the provinces that constituted the Captaincy-General of Guatemala were free and independent from both Spain and Mexico, and that together they formed the United Provinces of Central America (UPCA), a Federal Republic made up of five Provinces, with its seat in Guatemala City. Guatemala had by far the largest population (595,000 of a total of 1,239, 000) and was the dominant force.<sup>20</sup> The Federal Republic was recognized by the USA in 1824, but it was soon torn by civil war. By 1839, the five provinces, Guatemala, Honduras, El Salvador, Nicaragua and Costa Rica, were independent States.

In December 1821 the Belize magistrates asked the Superintendent to protect their interests with the new states by the establishment of boundaries and the regulation of commercial intercourse.<sup>21</sup> Although by July of 1825 a British Consul had been appointed to the UPCA, the British government

<sup>18</sup> Humphreys, pp. 15-16.

<sup>19</sup> Codd to Horton, 8 July 1825, in Horton to Planta, 23 September 1825, FO 15/4.

<sup>20</sup> Humphreys, pp. 18-19; James Dunkerley, *Power in the Isthmus*, Verso, London, 1988, p. 9. It is not clear whether the numbers included indigenous people.

<sup>21</sup> *ABH*, vol. 2, p. 244.

was consistent in maintaining that it could talk only to Spain about the status of Belize.<sup>22</sup>

UPCA was ambivalent about how to deal with the British settlement. Since Spain did not rush to recognize their independence, they were anxious to gain recognition from Britain. In October 1821, the Captain General of Guatemala proposed a “definitive commercial agreement” with the Superintendent of Belize, without mentioning borders or sovereignty. But in 1823 the Federation’s authorities addressed the Superintendent as the “Governor of the English factory situated in the territory of this Government”. In 1826 came a further assertion of sovereignty from the Foreign Minister of the Federation, who wrote to the British Consul in Guatemala that the British settlement of Belize was “in the province of Vera Paz according to the Spanish, and State of Guatemala according to the new division of this republic”.<sup>23</sup>

In 1833, when asked to report on charges made in the Federal Congress of illegal encroachments on Central American land by the British settlers, Superintendent Cockburn replied

The Republic of Central America claims to restrict us to the limits laid down in 1786, without, however, referring to the important fact that those limits had ceased to be acknowledged by us during the sovereignty of Spain in this part of the world, and that the River Sarstoon, which we claim, and to which extent we have long occupied as our boundary to the southward, has never been possessed or occupied by the Republic of Central America.<sup>24</sup>

Cockburn felt that the best way to settle the controversy was by obtaining the Republic’s acknowledgment of the actual territory occupied by the British, but the British decided that “it is only with Spain that Great Britain can properly or conveniently entertain that question”.<sup>25</sup>

A notable assertion of sovereignty occurred in 1834, when the head of the State of Guatemala, Mariano Gálvez, made enormous grants of land

<sup>22</sup> Humphreys, p. 26.

<sup>23</sup> Humphreys, pp. 29-30.

<sup>24</sup> Cockburn to Goderich, 26 January 1833, Humphreys, p. 34.

<sup>25</sup> Foreign Office to Colonial Office, 19 Feb. 1834, F.O. 15/15, Humphreys, pp. 35-36.

to three British consortiums.<sup>26</sup> When Superintendent Cockburn learnt of the grants, he warned that this could create problems between the two governments, “and requested his brother who commanded the West India Station to place two armed vessels under his orders for defence of the disputed coastal area south of the Sibun River against any attempted occupation under Central American auspices”.<sup>27</sup> Cockburn then called a meeting of the judges and magistrates and asked them to define the territory held by the British settlers at the time of Central American independence, and they defined the borders as follows:

an imaginary line drawn due north from ‘Garbutts Falls’ to the Rio Hondo on the north and from the same point due south to the River Sarstoon in the south, should form the extreme line of our claims to the westward, and that the course of those two rivers from the points where this imaginary line cuts them to their fall into the sea, should form our respective boundaries to the north and the south.<sup>28</sup>

Even until 1845, the British Colonial Office maintained the fiction of prevailing Spanish sovereignty: it denied a petition from Belize merchants to have goods from Belize admitted to British ports free from duties against foreign goods, saying that the sovereignty of the Belize territory rested in Spain under the treaties of 1783 and 1786.<sup>29</sup> In fact, while that was the formal diplomatic position, from as early as 1818 Britain allowed mahogany to be imported from Belize at the same or better tariff rate than other British colonies.<sup>30</sup>

Britain exercised increasingly formal jurisdiction over the territory: in 1837, the Superintendent began to make crown grants of land outside

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<sup>26</sup> For a full account of this intriguing enterprise see William J. Griffith, *Empires in the Wilderness: Foreign Colonization and Development in Guatemala, 1834 – 1844*, Chapel Hill, 1965.

<sup>27</sup> Griffith, pp. 56-57.

<sup>28</sup> Record of the [Public] meeting, 5 November 1834, BA.

<sup>29</sup> Hawes to Parker, 12 Oct. 1845, in C.O. Hond. Vol. 71, cited in Williams, p. 36.

<sup>30</sup> Barbara and VíctorBulmer-Thomas, pp. 73-74.



the 1786 limits, two on the Sarstoon;<sup>31</sup> on 2 November 1840 he issued a proclamation declaring that the “Law of England is and shall be the Law of this Settlement or Colony of British Honduras,” and in 1854 the first constitution was declared, providing for a House of Assembly of 18 elected representatives.

### Partners in Commerce

But it should not be thought that all the relations between the Central Americans and the settlement at Belize were hostile or distrustful. Quite the contrary. Large numbers of labourers from Central American countries were used in the mahogany industry even during slavery, and throughout the nineteenth century this immigrant labour, which was also used in the sugar and banana plantations in Toledo, was not inconsiderable. There was a strong symbiotic relationship between Belize and Central America, and it was fed by trade. Even before independence, there was a lively contraband trade from the Belize settlement into the Captaincy General of Guatemala (all of Central America), and in 1819 the Captain General permitted open trade between the Spanish colony and Belize. After 1821, that trade blossomed and was responsible for the only period of prosperity known by the colony in the nineteenth century; after that it indeed became “a colonial dead-end”.<sup>32</sup>

The UPCA, and later the individual countries, needed the Belize settlement to supply them with imported goods and to export their products. Until the 1850s, Belize had the only deep water port between Mexico and Panama,<sup>33</sup> and “the UK, as the most advanced industrial country in the world, was in a strong position to satisfy the demand with goods at prices much lower than those Central America had previously paid. In the absence of direct trade routes between the UPCA’s Caribbean ports and Great Britain, this gave merchants in Belize a huge opportunity of which they took full advantage . . . Belize controlled between 90 and 100% of the value of Central American

<sup>31</sup> Bolland and Shoman, p. 59; Humphreys, p. 24.

<sup>32</sup> See Clegern, Wayne M., *British Honduras: Colonial Dead End, 1859-1900*.

<sup>33</sup> Helen C. Ryan, “Fugitives and Filibusters, the Origins of the Sapodilla Cayes Sovereignty Dispute”.

imports from the UK until the mid-1840s". What is more, despite its proximity to the USA, about 75% of UPCA imports came from the UK, and most of its exports, from Costa Rica to Guatemala, with the exception of coffee, passed through the Belize settlement. For Belize, this was overwhelming: the entrepôt trade "dwarfed the value of commodity exports (logwood and mahogany)".<sup>34</sup>

In 1840, re-exports had three times more value than domestic exports.<sup>35</sup> The few merchants in Belize were soon joined by bigger ones from Britain, and this had important consequences for Belize's future, especially with regard to the monopolization of landholding.<sup>36</sup> Most of the trade passed through Guatemala. In addition, the coastal trade along Central America's Caribbean coast "was largely controlled by British and Belizean merchants. Indeed, in this period there was a thriving ship-building business in Belize. Another consequence of the trade was the use of Central American and Mexican coins that virtually replaced the previously used Jamaican currency—so much so that in 1838 Britain issued a proclamation declaring all coins of the neighbouring republics to be legal tender."<sup>37</sup>

After the 1850s, the party ended: the UK eliminated imperial preference and Central American exports no longer needed to pass through Belize; the division of UPCA into five separate republics after 1838 led the new republics to seek alternative routes to those via Guatemala; the Panama railroad in 1855 opened new routes for their exports; and "in the 1850s Central American states began serious efforts to build ports that could draw trade away from Belize".<sup>38</sup>

## US Interests Asserted

By that time the United States had begun to express increasing interest in Central America. In 1823, the United States proclaimed the Monroe

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<sup>34</sup> Barbara and Victor Bulmer-Thomas, *The Economic History of Belize*, pp. 77-83.

<sup>35</sup> Ibid.

<sup>36</sup> Bolland and Shoman, *Land in Belize, 1765-1871*.

<sup>37</sup> Barbara and Victor Bulmer-Thomas, *The Economic History of Belize*, pp. 77-83.

<sup>38</sup> Ibid.

Doctrine, warning European countries off any new or re-colonization in the Americas—and the British “proceeded to adopt and carry out a policy calculated to render ineffective the Monroe doctrine in so far as it conflicted with British designs”.<sup>39</sup> Indeed, the USA at that time had neither the interest nor the power to enforce that doctrine. But US interest in Central America was significantly heightened after the war with Mexico (1846-1848) resulted in the US taking California, among other territories,<sup>40</sup> thus becoming a coast-to-coast nation in need of a maritime link between its two coasts. The idea of building an inter-oceanic canal across Central America then focused on Nicaragua. After gold was discovered in California it became especially urgent for the US to secure this route.<sup>41</sup>

The problems Britain had with the USA over Central America had to do with that projected canal and with British insistence on maintaining and expanding its influence in Central America. In the 1830s, British settlers had occupied Roatán off the coast of Honduras. The Belize Superintendent sailed there in a warship in 1839 and took possession of it, and Magistrates were appointed from Belize in 1841.<sup>42</sup> In 1847, in a bare-faced expression of imperialism masquerading as concern for the welfare of the Miskito people, the British government announced that the territory of the Mosquito King, who was under the protection of the British Crown, extended from Cape Honduras to the San Juan River, a large chunk of Central America, and warned against any encroachment on his land. This worried the USA, because it gave the British control of the territory that would be needed to build the inter-oceanic canal. In 1848 the British seized San Juan, and Nicaraguan resistance was quelled by two warships.

<sup>39</sup> Mary Wilhelmine Williams, *Anglo-American Isthmian Diplomacy, 1815-1915*, Gloucester, 1965, p. 27.

<sup>40</sup> What others? “Remember the Alamo? With that war we were making California our own, and a lot of other people and properties, and doing it as though butchering Mexican soldiers who were only defending their homeland against invaders wasn’t murder. What other stuff besides California? Well, Texas, Utah, Nevada, Arizona, and parts of New Mexico, Colorado and Wyoming”: Kurt Vonnegut, *A Man Without a Country*, Bloomsbury Publishing, London, 2007, p. 77.

<sup>41</sup> Humphreys, p. 52; Williams, p. 58.

<sup>42</sup> Humphreys, p. 50.

Britain and the USA appeared to come close to war, but they resolved their differences through the Clayton-Bulwer Treaty of 1850, declaring that the two governments would never “occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America”.<sup>43</sup> Clayton and Bulwer agreed that the treaty was not understood to include the British settlement in Honduras [Belize] nor *the small islands in the neighbourhood* which may be known as its dependencies.<sup>44</sup>

But two years later Britain proceeded to declare Roatán, Bonacca and four nearby islands a British “Colony of the Bay Islands”.<sup>45</sup> Roatán was almost two hundred kilometres off Belize’s coast, hardly in the *neighbourhood*. Washington demanded that Britain withdraw from the entire Mosquito Shore as well as the Bay Islands.<sup>46</sup> As for the Belize settlement, the US government position was that the territory between the Sibun and the Sarstoon was part of the province of Vera Paz in Guatemala and *was* embraced by the Clayton-Bulwer treaty. And the US government acknowledged no British claim to the area between the Hondo and Sibun, except the right to the usufruct specified in the Spanish treaties, and it recognized the former Spanish sovereignty as then belonging to either Guatemala or to Mexico.<sup>47</sup>

Between 1854 and 1856, US and British interests in Central America often conflicted, exacerbated by the actions of US filibusters<sup>48</sup> like William Walker, whose four-year rule of Nicaragua from 1855 was ended only by an army of forces from all Central American states.<sup>49</sup> At times it appeared that the US government was, if not encouraging, at least allowing the actions in Central America of filibusters from

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<sup>43</sup> Sir Henry Bulwer was British agent to Washington, John M. Clayton was the US Secretary of State.

<sup>44</sup> Williams, p. 105. Emphasis added.

<sup>45</sup> Humphreys, pp. 50, 54.

<sup>46</sup> Williams, p. 126.

<sup>47</sup> Williams, p. 166, citing *The Works of James Buchanan*, collected and edited by John Basset Moore, 12 vols. Philadelphia, 1908/1911, vol. IX, pp. 216/241.

<sup>48</sup> The term “filibusters” in the context of the 19th century is used to refer to military mercenaries from the United States operating in Central America and other parts of the Americas.

<sup>49</sup> Dunkerley, p. 18.

the US.<sup>50</sup> This caused grave concern not only among the Central American states, but also to the UK. Indeed, there was talk both in London and Washington about the possibility of war.<sup>51</sup>

After further incidents and more negotiations, the parties signed the **Dallas-Clarendon Treaty** on 17 October 1856, which was never ratified and never came into force because of differences regarding the Bay Islands. It said this about Belize:

That Her Britannic Majesty's Settlement called Belize or British Honduras, on the shores of the Bay of Honduras, bounded on the north by the Mexican Province of Yucatán, and on the south by the River Sarstoon, was not and is not embraced in the Treaty entered into between the Contracting Parties on the 19<sup>th</sup> day of April, 1850; and that the limits of the said Belize, on the west, as they existed on the said 19<sup>th</sup> of April, 1850, shall, if possible, be settled and fixed between Her Britannic Majesty and the Republic of Guatemala, within two years from the exchange of the ratifications of this instrument; which said boundaries and limits shall not at any time hereafter be extended.<sup>52</sup>

This was never included in a binding treaty, but Britain could feel fairly confident that once it satisfied the US with regard to the Mosquito Shore and the Bay Islands, Washington would accept an agreement Britain reached with Guatemala recognizing British sovereignty up to the Sarstoon. Britain appointed Charles Lennox Wyke as its emissary to Central America on 16 February 1859, and he succeeded in negotiating treaties with Guatemala, Nicaragua and Honduras that met with the consent of the USA.

## The 1859 Anglo-Guatemalan Treaty

Guatemala and Britain had been engaged in diplomatic exchanges for some time. In 1849, Britain and Guatemala signed and ratified a

<sup>50</sup> Williams, 194-195.

<sup>51</sup> Williams, pp. 202-206.

<sup>52</sup> Humphreys, pp. 56-57.

Treaty of Friendship, Commerce, and Navigation; it did not mention Belize at all, and Guatemala did not enter any reservation with respect to it.<sup>53</sup> In 1850, Guatemala appointed a Consul in Belize.<sup>54</sup>

When the Guatemalan government learnt that the Dallas-Clarendon Treaty gave the Sarstoon as the British settlement's southern boundary, it decided to accept this for two reasons. First of all, it feared the expansionism of the British cutters in the Belize settlement who had their eyes on the rich forests of the Petén. Secondly, the actions of US filibusters caused serious concern, and Guatemala was willing to barter what it considered cession of its territory in return for British guarantees of support against the filibusters. In 1856 Guatemala instructed its minister in Paris, Francisco Martín, to go to London and negotiate a boundary treaty and to obtain "just compensation for the territory unduly invaded by the English in Belize," such compensation being British protection against filibustering activity.

Martín accordingly proposed a treaty with Britain in July 1857, in which Guatemala "now and forever relinquishes in favour of Great Britain her property and sovereign rights" over the territory from the Hondo to the Sarstoon, which he defined as follows:

to the east from the mouth of the Sarstoon River the entire coast and the adjacent islands. To the south, the Channel of the Gracias a Dios Falls, in case those Falls are not more than forty miles from the coast—measured in the same channel of the Sarstoon River. To the west, in a straight line, starting from the Gracias a Dios Falls or at a spot designated in their place according to the former paragraph, toward the River Belize at a point called the Falls of . . . therefrom in a straight line north to the River Hondo. To the north the Hondo River to its outlet.

Note that it is Guatemala proposing the Sarstoon as the southern border and that they included "the entire coast and the adjacent islands". Martín asked Britain to compensate Guatemala by providing a guaranty against the actions of bandits or filibusters that threaten its

<sup>53</sup> Humphreys, pp. 47-48.

<sup>54</sup> Wallenstein to Palmerston, 2 December 1850, FO 15/68.

sovereignty. This could be easily and cheaply done, Martín suggested, by Britain simply using “the forces which it assigns on the coasts of America for the protection of its commerce and subjects”.<sup>55</sup>

But Britain was not willing to give compensation of any kind, although “they would gladly enter into a boundary treaty only to legalize the situation”.<sup>56</sup> In November, Martín warned Guatemalan Foreign Minister Pedro Aycinena that the British had advised him that it would be advantageous for Guatemala to fix the boundaries at once by treaty, “to avoid the making of new invasions from the uncultivated and almost deserted part of the interior, which might with time give the right of possession to those who penetrated in those places.”<sup>57</sup> In other words, sign now or you may end up losing more! Martín asked whether he should go ahead and sign a boundary treaty without any compensation, and awaited instructions. Before these could come, however, the British, mindful of the growing impatience of the United States with the Central American question, got Wyke to proceed with the negotiations as quickly as possible. The result was the Anglo-Guatemalan Treaty of 30 April, 1859.<sup>58</sup>

Article 1 of the Treaty declared:

that the boundary between the Republic and the British Settlement and Possessions in the Bay of Honduras, as they existed previous to and on the 1st day of January, 1850, and have continued to exist up to the present time, was, and is as follows:

Beginning at the mouth of the River Sarstoon in the Bay of Honduras, and proceeding up the mid-channel thereof to Gracias a Dios Falls; then turning right and continuing by a line drawn direct from Gracias a Dios Falls to Garbutt’s Falls on the River

<sup>55</sup> José Luis Mendoza, *Britain and Her Treaties on Belize (British Honduras)*, Guatemala, 1947, pp. 127-131.

<sup>56</sup> Martín to Aycinena, 15 September 1857, *White Book*, pp. 84-85.

<sup>57</sup> Martín to Aycinena, 14 November 1857, *White Book*, pp. 91-92.

<sup>58</sup> See text at Appendix 1.

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Belize, and from Garbutt's Falls due north until it strikes the Mexican frontier.<sup>59</sup>

### The Infamous Article 7: Rogue Negotiators

Ratifications of the Convention were exchanged on 12 September, 1859,<sup>60</sup> and that should have been the end of the matter, but it turned out to be just the beginning of more than a century and a half of strife (and still counting), occasioned by Article 7 of the treaty, which read:

With the object of practically carrying out the views set forth in the preamble of the present Convention, for improving and perpetuating the friendly relations which at present so happily exist between the two High Contracting Parties, they mutually agree conjointly to use their best efforts, by taking adequate means for establishing the easiest communication (either by means of a cart-road, or employing the rivers, or both united, according to the opinion of the surveying engineers), between the fittest place on the Atlantic Coast, near the settlement of Belize, and the capital of Guatemala; whereby the commerce of England on the one hand, and the material prosperity of the Republic on the other, cannot fail to be sensibly increased, at the same time that the limits of the two countries being now clearly defined, all further encroachments by either party on the territory of the other will be effectually checked and prevented for the future.

Guatemala contends that the Treaty was a treaty of cession disguised in order not to violate the Clayton-Bulwer Treaty, which forbade any acquisition of territory in Central America, and that Article 7 was the compensation. But what about the British?

The British Foreign Office gave Wyke clear instructions: it was "absolutely necessary that the line of boundary to be established by the proposed

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<sup>59</sup> For the curious history of that latter line, see Stevenson to Bell, 15 Nov 1856, CO 123/93, Stevenson to Merivale, 25 May 1857, CO 123/95, and Humphreys 67-76 and 100.

<sup>60</sup> Hall to Russell, 17 September 1859, *British and Foreign State Papers* 1859-1860, p. 301.



Convention should be described therein not as involving any cession or new acquisition from the Republic of Guatemala . . . but, as it is in fact, simply the definition of a boundary long existing, but not hitherto ascertained”.

So what was Article 7 doing in a boundary treaty? Well, when it was given to Wyke by the British, it was not there. Wyke himself made up that article and put it in the treaty when he was in Guatemala. A month before signature, he explained to Foreign Secretary Lord Malmesbury that the Guatemalans knew “of the encroachments which have been gradually made on their territory” by the settlers, and would therefore “claim compensation if required to cede territory so encroached upon”.<sup>61</sup> Wyke, convinced that unless some compensation was offered the negotiations would fail, “hit on a plan” of offering British aid “in the construction of a practicable cart-road to the port of Izabal on the Atlantic coast, whereby the old commercial relations with Belize would be renewed, and both Contracting Parties mutually benefitted, without either appearing to receive favour from the other”.<sup>62</sup>

On the day the treaty was signed, he wrote the Foreign Office, asserting that “in point of fact we have no legal right, beyond that of actual possession, to the tract of territory between the Rivers Sibun and Sarstun which formerly belonged to the Ancient Kingdom of Guatemala”. He argued that Article 7 was justified because it would restore to Britain the trade it was losing to the Pacific area, especially “when by so doing we could at the same time *succeed in acquiring a good and legal Title to Our Settlement of Belize*, the want of which at present forms our weakest point in the whole Central American question”.<sup>63</sup>

This admission by Wyke was obviously embarrassing to the British government, and when they published that correspondence they doctored the dispatch, and instead of the words italicised inserted the words “establish the limits of” the settlement.<sup>64</sup> At the time, however,

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<sup>61</sup> Wyke to Malmesbury, 31 March, 1859, F.O. 15/106, cited in Humphreys, p. 81.

<sup>62</sup> Wyke to Malmesbury, 30 April, 1859.

<sup>63</sup> Ibid.

<sup>64</sup> See Wayne M. Clegern, “New Light on the Belize Dispute,” in *The American Journal of International Law*, Vol. 52, no. 2 (April 1958), p. 285. The original version

the British government seemed to have no problems with Wyke's addition to the treaty: Lord John Russell, Secretary of State for Foreign Affairs, declared "that Her Majesty's Government entirely approve of the Article admitted into the Convention by Mr Wyke, at the desire of the Guatemalan Government".<sup>65</sup> The British Government, in other words, ratified the Treaty in full knowledge that not only Guatemala, but also its own negotiator, believed that Guatemala had rights to part of the territory, and that Article 7 was regarded by both as compensation for cession of that territory by Guatemala to Belize.

At the same time, however, Foreign Minister Aycinena was in fact admitting that Guatemala *did not* have any such rights. Aycinena wrote to the Congress on 4 January 1860 and revealed that he had serious doubts about the validity and efficacy of Guatemala's claims to the Belize territory. He reasoned that Guatemala, like the rest of Central America, was extremely alarmed about the actions of filibusters, and also about the possibility of the British abandoning Belize and leaving "a motley crew of irresponsible adventurers and pirates" who would cause Guatemala untold trouble and make further encroachments. Guatemala therefore sought British protection against this likelihood. Aycinena also admitted that Spain itself had never occupied or administered the area between Sibun and Sarstoon, and that neither had Guatemala.

With regard to Article 7, Aycinena stated that "*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*".<sup>66</sup>

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is among the Eli Lauterpact Papers housed at the Belize Archives, and the doctored version appears in *British and Foreign State Papers, 1859-1860*, pp. 243-244.

<sup>65</sup> Russell to Hall, 30 June 1859, in *British and Foreign State Papers, 1859-1860*, p. 247.

<sup>66</sup> 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. Emphasis added. Clegern, who discovered the document in the Guatemalan archives, notes that the letter is omitted in all Guatemalan publications claiming to present all the documents relevant to the dispute. It is included in Appendix 2.

He certainly was not alleging that the road was a form of compensation for any supposed cession.

But Wyke continued to affirm that it was, even stating that “by this clause *we had bribed that of Guatemala to cede their right to the 500 square leagues of territory to which we gained legal title by this Convention.*”<sup>67</sup> This was totally at variance with the position of the FO, which was that title preceded the Treaty. In any case, despite differing interpretations as to the precise responsibilities of the two countries with regard to the building of the road, both countries collaborated in completing a survey of the road in November 1861. It later turned out, however, that the cost had been seriously underestimated, and in addition that the road might in fact be harmful to the trade of the British settlement. The Colonial Office strongly objected to “the apparently impracticable Article about the road”.<sup>68</sup>

### The Boundary Survey

The survey of the boundary, meanwhile, had begun in late November 1860,<sup>69</sup> in accordance with Articles II to V of the Treaty, and by January 1861 the British and Guatemalan Commissioners had erected a pyramid at Gracias a Dios Falls to mark the south-west corner of the boundary, and another at Garbutt’s Falls. They then visited the River Hondo to determine which of the branches was the main stream (which would mark the frontier with Mexico), and agreed on Blue Creek. They returned to Garbutt’s Falls in late March to start clearing the line northwards, and by mid-April had completed 22.53 miles, but were obliged by water scarcity to interrupt their work. They had agreed to go back to the north and start marking the boundary at the Hondo when, in late April, Wray

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<sup>67</sup> “Memorandum of what passed verbally between Sir C. Wyke and Don Pedro de Aycinena respecting the Road-making Article of the Convention of 30 April 1859,” 29 March 1861, FO 15/115. Emphasis added.

<sup>68</sup> Rogers to Hammond, 11 May 1861, FO 15/143.

<sup>69</sup> Humphreys, p. 98.

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received instructions from London to cease surveying the boundary north of Gracias a Dios Falls.<sup>70</sup>

In any case, the commissioners, Manuel Cano Madrazo for Guatemala and Henry Wray for Britain, agreed on a map showing coordinates for Garbutt's Falls and Gracias a Dios Falls. The map has a red line around the mouth of the Sarstoon, showing the border below the island there, and there is a certificate signed by both commissioners stating "we certify that the boundary lines shown in this map are correct".<sup>71</sup> The joint report of the two Commissioners signed in Belize on 13 May 1861 makes it just as clear, in reference to the Sarstoon River, that "The only island in the river is situated near the mouth of the river, and the survey shows that the current passes to the south of the island, and in accordance with article six, the island belongs to Her Britannic Majesty".<sup>72</sup>

## The Ghost of Article 7

In the event, it proved impossible to agree on any formula for jointly building the road, and so Britain and Guatemala agreed to a supplementary **Convention of London in 1863**, whereby Britain undertook to ask Parliament for the sum of fifty thousand pounds in order to fulfil its obligation.<sup>73</sup> Shortly after the signing of this Convention, Wyke wrote a memorandum for use in Parliament to defend the expenditure called for. "Our really weak point," he wrote, "was the retaining possession in Belize of territory to which we had no positive right. Under these circumstances it became necessary to obtain such rights from the Government of Guatemala, which however

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<sup>70</sup> Humphreys, p. 99. It should logically read "Garbutt's Falls," since the surveyors had already started work from that point.

<sup>71</sup> See Map 2.

<sup>72</sup> "Joint Report of the Agents appointed to designate and mark the boundaries between the territories of the Republic of Guatemala and Her Majesty's Settlement and Possessions in the Bay of Honduras," *White Book*, pp. 182-184.

<sup>73</sup> Text at Appendix 3.

refused to grant it without some indemnification for the concession demanded of them”.<sup>74</sup>

The Convention indicated that ratifications would be exchanged “in six months, or sooner if possible”. Guatemala, then at war with El Salvador and in dire financial straits, failed to ratify within that period. It in fact ratified the Convention, with two “clarifications,” on 11 November 1865, but Britain refused to accept this late ratification, arguing that the Convention had lapsed for failure to ratify within the time agreed.<sup>75</sup>

The parties failed to resolve that impasse, and in December 1866 Guatemala alleged that Article 7 had been intended as “a real compensation to Guatemala, expressed in decorous form, for the abandonment of the territorial rights to Belize”.<sup>76</sup> The British replied that they “did not accept, and never would have accepted, the definition of the boundary as involving any cession,” and that by standing ready to ratify the Convention at the appointed time, Britain had complied with its obligation.<sup>77</sup>

British officials themselves thought otherwise. Colonial Secretary Lord Carnarvon assumed that if the second Convention lapsed, “the original agreement revives”.<sup>78</sup> In 1877 a Foreign Office memorandum said that Article 7 “was admitted by Her Majesty’s Government as affording an indemnification on their part for the occupation by England of a portion of Belize which belonged to Guatemala”.<sup>79</sup> A year later another memo added: “It is only right to say that there appears to be a good deal of foundation for the Guatemalan claim”.<sup>80</sup>

<sup>74</sup> “Memorandum by Sir Charles Wyke for Mr Layard’s use should any debate take place in the House of Commons relative to the grant of £50, 000 demanded for the construction of the Guatemala Road,” Foreign Office, n.d., FO 15/144A, ff. 157-161, cited in Clegern, p. 295.

<sup>75</sup> Stanley to Martín, 30 July 1866, FO 15/145.

<sup>76</sup> Martín to Stanley, 21 December 1866, FO 15/145.

<sup>77</sup> Stanley to Martín, 3 January 1867, FO 15/146.

<sup>78</sup> Clegern, “New Light...,” p. 296.

<sup>79</sup> “Memorandum for the use of Lord Derby,” Foreign Office, October 26, 1877, FO 15/207, f. 37-38.

<sup>80</sup> “Memorandum in reference to General Negrete,” Foreign Office, May 10, 1878,

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In 1880, Guatemala's Minister in London, Crisanto Medina, presented a note to Lord Granville where he alleged that not only Article 7 of the Treaty, but also Article 2, which called for the marking out of the boundary, had not been fulfilled, and it was Britain, not Guatemala, that had interrupted the completion of the survey of the boundary line. He denied that the 1859 Convention had lapsed, and insisted that the controversy over Article 7 should be resolved, but Britain declined.<sup>81</sup>

On 5 April 1884, on behalf of the Guatemalan government, Medina made a solemn protest "against the recent *de facto* occupation on the part of Great Britain of an integral part of Guatemalan territory," and declared that "said occupation cannot prejudice Guatemala's rights at any time". Medina made clear Guatemala's position on the Treaty: either the treaty of 1859 is in force or it has lapsed. If it is in force, Article 7 must be complied with; if it has lapsed, then matters return to their former status. But Guatemala cannot accept that Article 1 remains in force, if Article 7 is not executed.<sup>82</sup>

In 1886 the Guatemalan government told Britain that if it were to contribute £50,000 to a railroad from Guatemala City to the Atlantic coast it would consider that a fulfilment of the Article 7 obligations.<sup>83</sup> The Lord Chancellor opined that "as there seems to be no doubt that the recognition of British rights to certain disputed territory in Article 1 of the Treaty of 1859 was obtained in consideration of the undertaking contained in Article 7, it would appear to be only right that some substantial effect should be given to that article".<sup>84</sup> In May 1887 the Foreign Office proposed that Parliament be asked to grant £10,000 a year for five years to comply with the Article 7 obligation, but the Treasury refused, and the opportunity was lost.<sup>85</sup> Although some sporadic

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FO 15/207, ff. 37-38.

<sup>81</sup> Humphreys, pp. 152-153.

<sup>82</sup> Medina to Granville, 5 April 1884, in *White Book*, pp. 344-346.

<sup>83</sup> Gastrell to Pauncefoot, 28 March 1886, F.O. 15/231, in Humphreys, p. 159, no. 38.

<sup>84</sup> Memorandum by Lord Herschell, 30 April 1886, F.O. 15/231, in Humphreys, p. 160, n. 41

<sup>85</sup> Foreign Office to Treasury, 23 May 1887, F.O. 15/241 and Treasury to Foreign Office, 1 July 1887, F.O. 15/242, in Humphreys, p. 161.

attempts to resolve the matter occurred thereafter, the century closed without any resolution of the problem.

### The 1931 Exchange of Notes

In 1929, commissioners from both countries inspected the boundary markers placed in 1860/61 at Gracias a Dios and Garbutt's Falls and replaced them with concrete monuments.<sup>86</sup> There was then an exchange of notes in 1931 between Britain and Guatemala by which Guatemala recognised "the concrete monuments erected at Garbutt's Falls and at the Gracias a Dios rapids, that were fixed by commissioners of both countries, engineers Fernando Cruz and Frederick W. Burton, on the 8th and 26th of May, 1929, on the border of Belize and Guatemala," and that they "form part of the border line between Belize and the Republic of Guatemala."<sup>87</sup>

This document has the force of a treaty which revalidates the 1859 Treaty, and confirms the boundary markers established at Garbutt's Falls and Gracias a Dios.<sup>88</sup> In 1934, however, Guatemala refused to take further part in the boundary delimitation unless Britain was prepared to discuss the question of Article 7. Britain was not so disposed, and proceeded unilaterally to complete the demarcation of the border between Gracias a Dios and Garbutt's Falls.<sup>89</sup> On 21<sup>st</sup> September 1939, Guatemala wrote a note to the British government in response to a British suggestion that negotiations be reopened on the basis of new proposals, and it casually refers to the 1859 Treaty as "the lapsed Convention," while still requesting Britain's proposals.<sup>90</sup>

On 24 April 1940, Guatemala's Foreign Minister Carlos Salazar declared that the 1859 Convention "was one of territorial cession par excellence,

<sup>86</sup> Humphreys, p. 166.

<sup>87</sup> Klee to Watson, 26 August 1931, in *Exchange of Notes...*, Cmd. 4050, 1932, p. 4.

<sup>88</sup> It was published in the *League of Nations Treaty Series* in 1932, and Guatemala never objected: "Legal Opinion on Guatemala's Territorial Claim to Belize," Lauterpacht et. al., Government Printer, Belmopan, 2002, pp. 17-26.

<sup>89</sup> "The Preliminary Survey," with a list of 39 stone cairns erected between Gracias a Dios and Garbutt's Falls.

<sup>90</sup> *Continuation of White Book*, vol. III, pp. 132-133, cited in Bloomfield, p. 59.

and that by virtue of British failure to comply that Convention has lapsed and the Republic of Guatemala has every right to demand the territory of Belize".<sup>91</sup> The 1945 Constitution of Guatemala stated that "Guatemala declares that Belize is part of its territory and it considers of national interest the initiatives carried out to achieve its effective re-incorporation into the Republic".<sup>92</sup> And on 9 April 1946, the Congress of Guatemala issued a decree declaring that the 1859 Treaty was void.<sup>93</sup>

### Proposals for International Adjudication

In 1880 Guatemala proposed arbitration by the head of some friendly State. In 1940 Britain proposed submitting the matter to the Permanent Court of International Justice under Article 38 of its Statute, "which enables the Court to take into account questions of equity when giving its final decisions," or having recourse to an arbitral tribunal under the Hague Convention of 1907, or to an ad hoc tribunal of three members of which the third member would be appointed by President Roosevelt; but they could not reach agreement on any of these suggestions.<sup>94</sup>

On 13 February, 1946, Britain made a declaration to the International Court of Justice (ICJ) accepting its compulsory jurisdiction, for a period of five years, of "all legal disputes concerning the interpretation, obligation, or the validity of any Treaty relating to the boundaries of British Honduras and, further, any question arising out of any conclusion which the Court may reach with regard to such Treaty,"<sup>95</sup> and in 1951 renewed it for another period of five years.<sup>96</sup>

Guatemala made a declaration under the Statute of the ICJ on 27 January 1947 accepting the compulsory jurisdiction of the Court in all

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<sup>91</sup> Carlos Salazar to John Leche, 24 April 1940, in *Continuación del Libro Blanco*, Secretaría de Relaciones Exteriores, República de Guatemala, pp. 127-140.

<sup>92</sup> *Constitution of Guatemala*, Guatemala, 1945.

<sup>93</sup> *Diario de Centro América*, 26 April 1946.

<sup>94</sup> See Lauterpacht et. al., "Legal Opinion on Guatemala's Territorial Claim to Belize," Belmopan, Government Printer, January 2002, pp. 52-56 for details of these negotiations.

<sup>95</sup> ICJ Yearbook 1946-1947, para. 158.

<sup>96</sup> Bloomfield, p. 77



legal disputes except that between England and Guatemala over the territory of Belize, which it would only accept “if the case were decided *ex aequo et bono*, in accordance with Article 38(2) of the Statute.”<sup>97</sup> This was not accepted by Britain.

Following the attendance of delegates from Belize to the Conference for the Federation of British West Indian Colonies in Jamaica in 1947, the Guatemalan government issued threats of invasion, which provoked Britain to send two cruisers to the area and to station a battalion of infantry in the colony in 1948. Guatemala closed the border, and did not reopen it until 1951.<sup>98</sup> On 15 October 1948, Guatemala made it compulsory for all schools to teach that Belize was Guatemalan territory and decreed that all maps should reflect this.<sup>99</sup>

### Guatemala Launches Latin American Campaign

Beginning in the 1930s, Guatemala initiated a diplomatic campaign to elicit support for its claim. In 1938 the Guatemalan Ministry of Foreign Affairs published a *White Book* with hundreds of historical documents on the dispute, appealing to Latin American nations against the British refusal to comply with the obligations in the Convention of 1859.<sup>100</sup> In the following years the government published or sponsored numerous “continuations” of the *White Book*, articles and speeches on the question, sent delegations to several countries to promote its case and brought up the issue at every regional meeting.<sup>101</sup>

It should come as no surprise that Guatemala’s plea for support against what it described as the retention of part of its territory by a European colonial power found some resonance among Latin American states, who were naturally anti-colonial. In March 1940, for example, Mexican President Lázaro Cárdenas expressed his support for Guatemala’s

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<sup>97</sup> This meant that the Court could take extra-legal matters into account. ICJ Yearbook 1946-1947, p. 219, p. 71.

<sup>98</sup> Bloomfield, pp. 72-75.

<sup>99</sup> *Americana Annual 1949*, p. 90, cited in Bloomfield, p. 73.

<sup>100</sup> *White Book*, p. 15.

<sup>101</sup> A list of some of these initiatives is to be found in Bloomfield, pp. 63-67.

territorial claim to Belize; this declaration was quickly amended to state that Mexico considered it had historical and juridical rights over the northern part of Belize. Guatemala's President Ubico then proposed that the territory be divided, the northern part going to Mexico and the southern to Guatemala. For a few years thereafter, several Mexican publications argued that Guatemalan claims could not extend north of the Sibun, that Mexico had ceded that northern territory in the 1893 treaty with Britain, and that if the status of British Honduras should change, the northern districts should go to Mexico.<sup>102</sup>

General Ubico was overthrown in 1944 and Guatemala subsequently had a decade of democratic government which was toppled by a US-directed coup, the consequences of which were of immense importance both for Guatemala and Belize, and which will be discussed in Chapter 2. The democratic governments of Guatemala intensified the campaign to "recover" Belize. The new Guatemalan constitution of 1945, which introduced many democratic reforms, also declared that Belize was part of Guatemalan territory and that it was in the national interest to achieve its effective incorporation into the Republic.<sup>103</sup>

In 1948, Guatemala undertook missions throughout Latin America to lobby support, and complained to the Secretaries General of the United Nations and of the Pan-American Union (the precursor of the Organization of American States) about British reinforcements in Belize following threats of invasion by Guatemala.<sup>104</sup> At the ninth international conference of American states in Bogotá in 1948, a resolution differentiated between colonies proper and occupied territories, established the American Committee on Dependent Territories, and declared that "colonialism and the occupation of American Republics by extra-continental countries should be brought to an end".<sup>105</sup> That same year the Committee classified Belize as an

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<sup>102</sup> Mónica Toussaint Ribot, *Belice: Una Historia Olvidada*, Instituto Mora, México, 1993, p. 85.

<sup>103</sup> Article 1 of the Transitory Provisions, Constitution of the Republic of Guatemala, 1945.

<sup>104</sup> Roberto Carpio Nicolle, *¿Hacia Dónde Va Belice?*, Guatemala, 1977, p. 86

<sup>105</sup> Final Act of the Ninth International Conference of American States, Bogotá, March 30 to 2 May 1948, Pan American Union, 1964, p. 304.

“occupied territory”.<sup>106</sup> In July 1949, at a meeting of the Committee, Jorge García Granados presented a long discourse on Guatemala’s rights to Belize. The Mexican delegate repeated Mexico’s position, that if there were to be a change of status, the rights of Mexico over a part of the territory would have to be taken into account.<sup>107</sup>

In 1954, the tenth Inter-American Conference passed a resolution excluding from the right to self-determination “territories that are the subject of litigation or claim between extra-continental countries and some American republics”.<sup>108</sup> In August 1955, at the first meeting of Ministers of Foreign Affairs of Central America, held in Antigua, Guatemala, the meeting issued a unanimous declaration supporting Guatemala’s claim to Belizean territory.<sup>109</sup>

## The Story So Far: What Does It Mean?

The British settlement in Belize was granted limited rights between the Hondo and Sibun Rivers to cut wood by 19th century treaties between Britain and Spain, whose sovereignty was recognised. Spain exercised its sovereignty by attacks on the settlement or by sending inspectors under the treaties, but the last attack was repulsed in 1798 and Spain, faced with independence wars throughout the Americas, removed itself from the scene. The settlers extended their activities far beyond the agreed limits; by 1779 they were as far south as Deep River and by the second decade of the 19th century they had reached the Sarstoon.

In 1821 the Central American colonies of Spain declared independence and formed a Federation that broke up in 1839, after which the members formed independent States. The Federation had stated its claim to

<sup>106</sup> Statement by Guatemalan representative to Fourth Committee, 10 November 1975, A/C.4/SR.2163, UN, p. 167.

<sup>107</sup> Herrarte, p. 79.

<sup>108</sup> Resolution XCVII, Tenth Inter-American Conference, Caracas, 1 to 28 March 1954, Final Act, Conferences and Organization Series, Number 33, Pan American Union, 1954, p. 97.

<sup>109</sup> Carpio Nicolle, *¿Hacia Dónde Va Belice?*, Guatemala, 1977, p. 83.

Belize as inheritors of Spanish sovereignty, and then Guatemala pursued this claim. Britain did not recognize any such rights, however, and claimed that it had consolidated its sovereignty over the land after Spain had abandoned it and before Central American independence. In any case, Britain was in undisturbed possession of the land for decades and Guatemala had never settled nor exercised jurisdiction over any part of the territory.

Apart from Belize, the British were present in several parts of Central America, even declaring a colony in Roatán and other islands, and they exercised influence backed up by gunboats throughout the isthmus. The US became a major player in Central America in the course of the 19th century, especially after it determined to build a transoceanic canal across the isthmus. The 1850 Clayton-Bulwer Treaty between the USA and Britain sought to limit Britain's presence in Central America, although it was understood that the Belize settlement was exempt from that limitation. The 1856 US/UK Dallas-Clarendon Treaty described the boundaries of Belize as from the Hondo to the Sarstoon and called upon Britain to settle and fix the western boundary of the settlement with Guatemala and to reach agreements with the other countries to withdraw from the area. Although that Treaty was not ratified, Britain decided to carry out its commitments, and concluded the treaty with Guatemala in 1859, whereby that country recognized British sovereignty over Belize from the Sarstoon to the Hondo Rivers and agreed the western border.

In Article 7 of the Treaty both countries agreed to cooperate to build a cart road from Guatemala City to the Atlantic coast near Belize, and in the subsequent 1863 Convention Britain agreed to contribute £50,000 as its share. Guatemala considered this Article as compensation for territory it was relinquishing to Britain, while Britain insisted that the Treaty was a simple boundary treaty recognizing a pre-existing border and pre-existing British sovereignty over the territory. When Guatemala failed to ratify the 1863 Convention within the agreed six months, Britain maintained it had complied with the Treaty by being ready to ratify in time, and refused to do anything further.

The man who negotiated the 1859 Treaty for Britain, however, made it clear to his government, both before and after signature, that in his view Guatemala was ceding some territory to Britain and regarded Article 7 as compensation for that cession, as he also did. Several British officials later considered that Britain had indeed contracted an obligation, certainly moral and possibly legal, to comply in some way with Article 7, and that the subsequent 1863 Convention and Guatemala's late ratification did not extinguish that commitment. But the British government, for financial reasons, consistently refused to honour that obligation.

In 1931, Guatemala reaffirmed its acceptance of the 1859 Treaty boundaries, and was ready to complete demarcation of the boundary along the Treaty lines if only Britain had been willing to address the Article 7 commitment, but Britain persisted in its obstinate refusal to do so. In the 1940s Guatemala declared that the 1859 Treaty had lapsed and was no longer in force because it was a treaty of cession, Britain had failed to pay the compensation, and the territory reverted to Guatemala. A new Guatemalan Constitution in 1945 declared that Belize belonged to Guatemala.

In the post-1945 period the government of Guatemala was no longer interested in a cart-road or indeed in any purely monetary compensation in lieu. It wanted territory, since passage to the sea from its huge Petén territory was inhibited, its access to the Gulf of Honduras was reduced, and it would gain considerable resources in the Caribbean Sea. But there was another element which gained importance as time went by: national pride. The Guatemalans felt, and with good reason, that they had been hoodwinked by the British.

They launched a campaign appealing to, and for the most part winning the support of, the Latin American governments for its bid against the British. In the mid-twentieth century, it was obviously incongruous for a European power to hold a part of continental America as a colony, and when so depicted, it was inevitable that Guatemala would gain overwhelming support from the other Latin American governments, especially since the US itself, despite its strong ties with Britain, continued to be ambiguous about the validity of Guatemala's claim.

Off camera at the time were the people of Belize, who remained under the thumb of colonialism and were given no say in determining their

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future. With the world-wide decolonization movement that became irresistible after World War II, however, the inhabitants of the colony of British Honduras gained a predominant voice in the outcome of the Anglo-Guatemalan conflict.

The Belize question then became a battleground that also involved Mexico, which feared Guatemalan expansionism, and the government of the US, preoccupied with Cold War considerations. The issue then evolved from one of settling a nineteenth century territorial dispute to one of respecting the right of the population of Belize to self-determination.