

**Letter from Guatemala's Minister of Foreign
Affairs, Pedro de Aycinena, to the Guatemalan
Chamber of Representatives, regarding the 1859
Anglo-Guatemalan Convention**
4 January 1860

The Aycinena Letter

Ministry of Foreign Affairs

January 4, 1860

Honorable Secretaries of the Chamber of Representatives

Gentlemen:

I am honored to submit to you, so that you may inform the Chamber (of Representatives), on the Convention signed last April 30 in this City, with the objective of determining the limits between the Republic and the Settlement of Belize. This Convention was ratified by both parties and those ratifications were exchanged in this City as well.

Since this is an important matter. I am ordered to inform extensively to the Chamber on the course of the negotiation which preceded the definitive agreement of this pact, and to present for examination all of the documents and correspondence which have been exchanged on the matter.

The advantages of establishing the hitherto undefined boundaries of the Republic on our Atlantic Coast have been acknowledged in several periods throughout our history, all the more so in the face of relentless encroachments by the population of Belize. We, in turn, have been prevented from gaining possession of uninhabited and deserted territories, over which we considered ourselves as Spain's successors, although we did not have the title of actual possession, nor had we been able to take or exercise any act of sovereignty.

Since the time of the Federal Government (1823-39), steps had been taken with the goal of fixing those limits but all were fruitless

and yielded no results. 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 the treaties with Spain. The English Government, considering this actual occupation as giving them legitimate title, defined the extent of the settlement as the river Sarstoon, according to a declaration made by the Minister of the Colonies, Sir George Grey in 1836, within the framework of a project for the creation of a Colony in Boca Nueva. We, in turn, after a few claims and protests, tacitly maintained the status quo without pursuing new initiatives which apparently were 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, thus exercising a right that would be denied to us as long as we did not make it practical and effective.

Such was the situation in 1856 when the filibusters invaded Nicaragua, revealing the dangers we faced and the need to conduct our foreign relations with greater care and foresight; it focused anew the Government's attention on the question of Belize, presenting it for consideration under a realistic perspective. For anyone who followed the unfolding of these events, the harrowing Nicaraguan conflict was but one of many incidents known as "Central American issues," i.e., the dispute between two international powers regarding issues that are at the core of our existence as independent States.

One of the reasons of the dispute was the Settlement of Belize, the nature and extension of which everyone purportedly wished to establish and define. When the April 1850 Treaty between England and the United States was finalized, it was agreed that the Settlement would not extend beyond its then current boundaries; that is, England's possession was recognized as

legitimate title, however, the guiding principles and spirit of that Treaty obliged England not to expand the Settlement by occupying new territories.

One of the measures adopted by the Government to deal with the danger faced by the entire country in 1856, and the one believed to be most efficient, was the promotion of an agreement between the Republic and Great Britain, thereby eliminating all obstacles on the pending matter of the limits of Belize. This measure also had the objective of overcoming the causes of dispute which were affecting the States (Guatemala and Great Britain) terribly, and had the further aim of focusing attention on this country (Great Britain), while adopting a frank and open policy, similar to the one we had advised Nicaragua to take, instead of following a discredited and rejected system of seeking solutions to difficult issues through speeches, useless lament, and futile and endless discussion.

In view of this, as is customary in all acts of the Administration, the Government decided to depart from the timid and useless mode adopted in earlier times, which brought us so much discredit and produced such disastrous results. It initiated a negotiation of 1 August, 1856, proposing to the English Government a definitive boundary agreement, combined with provisions that would protect our coast from invasions such as the one we were repelling in Nicaragua.

I will have the honor of placing at the disposition of the Commission which examines this matter, the documents and correspondence in which the course of this long and difficult negotiation can be seen. The Chamber will find in them frank and clear proof that nothing has been omitted which demonstrates the rights which we may consider as ours. Likewise, nothing has been omitted in seeking diverse and practical combinations which safeguard as much as possible the immediate interests of our country, and which would yield the desired results in a matter which did not depend solely on us, and whose consequences

should be transcendental, dependent on the manner in which it is concluded.

The different proposals and combinations which were presented by us could not be accepted in London; and although the discussion of this negotiation was friendly and honest for both parties, in the end, it was suspended without any agreement. Invariably, England sustained the importance of actual possession, calling for the recognition of the *status quo* for the determination of limits, as a final act which would put to an end all subsequent occupation. The Government (of Guatemala) was persuaded after these instances and efforts, that in reality, there was no other practical solution for an issue whose settlement was considered necessary to bring our relationship with England to a natural and satisfactory state. The Government was further persuaded that our refusal impeded the settlement of other interests and difficulties, and that we should not embroil ourselves in them and be affected by the consequences. Nonetheless, the negotiation remained pending with the expectation of finding a combination acceptable to both parties.

Meanwhile, new developments facilitated its settlement. The security assurances we requested against filibuster interests and which they could not offer due to an isolated stipulation with Guatemala, was obtained by a just and moral act of the maritime nations. France, England and the United States have openly condemned the acts of piracy carried out in Nicaragua and directed that their naval forces not allow it to reoccur. New endeavors that are still being launched have been frustrated and impeded by the Naval authorities of the United States, as well as those of the other two powers which sail our coast.

The Governments of the United States and Great Britain reached an agreement on the issues regarding the Settlement of Belize. Discussions in the United States Senate publicly disclosed the treaty concluded in October 1856 between the two powers. By

this treaty, they mutually and definitively agreed on the meaning of the 1850 Treaty in relation to Belize. That is, English possession was expressly recognized, declaring that the British Settlement had not and is not included in said treaty; and with respect to the extension of territory, the limits were fixed as to the North, the Mexican province of Yucatan and as to the south, the Sarstoon River. The treaty further provided that the western boundary, as it existed on 19 April 1850, be fixed with Guatemala within two years if possible and at no time thereafter extend beyond.

Under these circumstances, quite different than those under which the negotiations had started in London, the representative of Her Britannic Majesty in this Republic, moved for its continuation in frank and clear terms, asking for our cooperation to complete a final agreement on the pending issues.

The Government then considered this negotiation with the proper attention, and examined all of its aspects as the Chamber expressed to His Excellency, the President, that it trusted had been done.

In the first place, it accepted its importance, given its connection with the serious issues and difficulties which had transpired between the two great powers, and for the settlement of which our cooperation was sought; and likewise, the immediate and very important interest that these two countries have to find disagreement, which had more than once endangered the peace, well-being and even very independence (of Guatemala).

On examining this situation, we could not fail to recognize that the right we had constantly alleged of being presumptive heirs of Spain's sovereignty, was considerably weakened due to our lack of means to take possession of these territories that had been deserted and abandoned by Spain herself and subsequently by us. Furthermore, such a right, in the face of actual possession and practical exercise of sovereignty, regardless of the means by which they were acquired, could lead to a prolonged discussion

and although supported with some foundation by us, did not offer any reasonable hope for success.

It was recognized 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 reduced to territorial occupation occurring after that date only.

In this regard, setting aside the theoretical points of law that could assist us, we were faced with the practical difficulty of 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, the truth was that since we had never taken possession of these territories, nor had we recognized them, nor maintained agents to represent us in them, it would render it impossible for us to determine or fix which part was occupied during Spanish rule and which part was occupied thereafter. This loomed as an insurmountable obstacle against materializing our claim.

After collecting all practical information with the utmost care and diligence – despite the old archives of the General Captaincy (the only possible source) no longer being extant – examining maps from several historical periods and completing a highly punctilious study, 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 clear. A British Settlement and a foreign population existed in our vicinity. Even conceding the possibility that the English Government would relinquish its acquired possession and domain, the population would remain independent from us because we would be incapable of governing and dominating them since we are cut off

from that population by uninhabited territories and the sea, and we lack the means to communicate with them. 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 neighbor, 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 an assortment of irresponsible adventurers and pirates who would lord themselves over the Gulf of Honduras, the lifeline of our Republic.

These and other considerations surrounding the issue, taken together and seen from all perspectives, were given to the President for his consideration. He took the decision required by the case, and recognizing the existing facts, instructed that all fruitless discussions be ended, given that they were of no substantive importance and did not merit continuing.

On (the President's) orders we began negotiations and, following our recognition of the current boundaries of the British Settlement 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 Settlement by way of our Atlantic coast. This proviso was accepted by the Plenipotentiary of Great Britain and included in the treaty approved by the President. Upon examination and approval by the State Council, it was also ratified by H.E.

Presented to the Government of the Queen, it gained complete approval and was duly ratified by Her Majesty. At the exchange of ratifications, the British representative had orders to express the most benevolent and gracious regards of his Government, and to assure the President of the great appreciation for the frank and friendly manner in which he had treated this negotiation and that England would execute the stipulation of Article VII, about which we were invited to make suggestions as we saw fit.

Subsequently, H.E. received a more outstanding demonstration of consideration towards the country and towards him by Her Majesty, all of which the Chamber will find within the documents which I will have the honor to present for your examination.

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 built with the joint efforts of both parties. Britain is to supply engineers and funds, and the Republic is to supply materials and labor. On-site surveys are likely to commence this month on the part of engineers who will be sent by the British Government. Upon completion of this work, the necessary arrangements will be made to implement our agreements. 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.

The President has no doubt that the decisions he has made in this negotiation, and the extensive and elevated view of his policy, will be duly appreciated and supported by the consent of the Chamber. In this issue, just like in other issues of the Government, your action should be as expeditious as good public service requires and should not be limited to a narrow path with no way out. He understands perfectly the force of the beliefs against which he has had to fight so many times to take the country out of a depression to which it had been reduced to by inexperienced actions, especially in the manner of conducting its foreign relations. His Excellency believes that Government is the center of conflict and has the duty to eliminate them and to save the Republic each time it is threatened, whether from within or from without, with foresight and vigilance. It could not demand from those who accept the duty of the difficult and delicate, albeit honorable responsibility of assisting in the government, that they sacrifice the success of the more important actions to impressions derived from theory without examination, thereby

abandoning the only certain path of practical applications in conducting business.

With regard to the zeal which the Government should possess for the real and positive interest of Guatemala and the integrity of its territory, His Excellency, who has received from the entire country the title of Defender and Restorer of the Republic, can indulge a dispute to this illustrious title, from those displaying an exaggerated zeal without purpose.

I remain, your faithful servant,

Signed

Dated

(Ministry of Foreign Affairs, *Belize Refutes Guatemala's Claim*, pp. 63-71)