REVIEW
from 1859 Treaty to Exchange of Notes 1931

1 Clash of Empires: Spain and Britain
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   - Piracy
   - 1st Shape on Belize Mapping the Territory
   - 1493 - 1786

2 Hondo to Sarstoon
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   - Central America
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   - Ghost of Article 7
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BACKGROUND to 1859 TREATY

The British then appointed Charles Wyke to negotiate the boundary Treaty, and instructed him that, in order not to offend the terms of the Clayton-Bulwer Treaty, the boundary must be described “not as involving any cession or new acquisition from Guatemala… but, as it is in fact, simply the definition of a boundary long existing, but not hitherto ascertained”.

Wyke, however, believed that some inducement would be required to conclude the Treaty, and decided to include a provision that would satisfy the Guatemalan need for “compensation” and at the same time help the Belize settlement by enhancing possibilities for trade. The provision became Article 7 of the Treaty, which required both Parties “conjointly to use their best efforts” to establish the easiest communication between the capital of Guatemala and the Atlantic coast near Belize, “either by means of a cart-road, or employing the rivers, or both united”.

The 1859 Treaty was signed and ratified, and declared the boundary as it existed from before 1850:

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 Belize, and from Garbutt’s Falls due north until it strikes the Mexican frontier.
A boundary treaty signed by Britain and Guatemala fixing the borders between Belize and Guatemala. Article 7 called for both countries to cooperate to build a cart road from Guatemala City to the Atlantic coast, and this was never done. Guatemala later claimed that the treaty was one of cession of the whole of Belize, with Article 7 being the compensation, and that therefore the whole treaty falls and Belize reverts to Guatemala. Indeed, the Englishman who signed the treaty wrote “Our really weak point was the retaining possession in Belize of territory to which we had no positive right,” and “by this clause [Article 7] we had bribed Guatemala to cede their right to the 500 square leagues of territory to which we gained legal title by this [1859 Treaty].”

How does Belize overcome this to prove its sovereignty over the whole of Belize?
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. 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.”

Now, the Guatemalan government is saying there is no border! What the hell is this?
Exchange of Diplomatic Notes (2)
1929-1933 Border Commission Team:
Front Row (L-R): Florentino Santiso & Fernando Cruz
In May 1929 the terminal points were visited again by Commissioners and the existing monuments were replaced by cement concrete monuments, each five (5) feet in height above the ground level with a circular copper stud let in the top. Upon each stud a cross was cut to mark the exact position of the terminal points;
Demarcation Activities Cont....

- The survey was completed on 14\textsuperscript{th} June 1934. The Boundary Plan and report was prepared for signature by the Commissioners by June 1935.

- The Guatemalan Commissioner was instructed by his principals not to sign.

- There the matter has rested.
The British communicated the text of the Notes for registration as a treaty by the League of Nations in April 1932, subsequently published in the *League of Nation Treaty Series*.

There exists no record of Guatemalan objection to the registration.