

N° 2946.

**GRANDE BRETAGNE
ET IRLANDE DU NORD
ET GUATÉMALA**

Échange de notes concernant la frontière entre le Honduras britannique et le Guatémala, avec annexes.
Guatémala, les 25 et 26 août 1931.

**GREAT BRITAIN
AND NORTHERN IRELAND
AND GUATEMALA**

Exchange of Notes respecting the Boundary between British Honduras and Guatemala, with Annexes.
Guatemala, August 25 and 26, 1931.

No. 2946. — EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF GUATEMALA RESPECTING THE BOUNDARY BETWEEN BRITISH HONDURAS AND GUATEMALA. GUATEMALA, AUGUST 25 AND 26, 1931.

Nº 2946. — CANJE DE NOTAS ENTRE EL GOBIERNO DE SU MAJESTAD EN EL REINO UNIDO Y EL GOBIERNO DE GUATEMALA, RELATIVO A LA FRONTERA ENTRE HONDURAS BRITÁNICA Y GUATEMALA. GUATEMALA, 25 Y 26 DE AGOSTO DE 1931.

Textes officiels anglais et espagnol communiqués par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement de cet échange de notes a eu lieu le 29 avril 1932.

English and Spanish official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Exchange of Notes took place April 29, 1932.

No. I.

MR. GRANT WATSON TO SEÑOR SKINNER KLÉE.

BRITISH LEGATION.

YOUR EXCELLENCY,

GUATEMALA, August 25, 1931.

The boundary between British Honduras and the Republic of Guatemala was laid down in the convention between the Republic of Guatemala and Her Majesty the Queen of Great Britain and Ireland, signed at Guatemala on the 30 April, 1859¹, article 1 (paragraph 2) of which defines the line as "beginning at the mouth of the River Sarstoon in the Bay of Honduras and proceeding up the mid-channel thereof to Gracias á Dios Falls; then turning to the right and continuing by a line drawn direct from Gracias á Dios Falls to Garbutt's Falls on the River Belize and from Garbutt's Falls due north until it strikes the Mexican frontier".

It was further stipulated by article 2 of the convention that "Her Britannic Majesty and the Republic of Guatemala shall, within twelve months after the exchange of the ratifications of the present convention, appoint each a commissioner for the purpose of designating and marking out the boundary described in the preceding article. Such commissioners shall ascertain the latitude and longitude of Gracias á Dios Falls and of Garbutt's Falls, and shall cause the line of boundary between Garbutt's Falls and the Mexican territory to be opened and marked where necessary, as a protection against future trespass."

In consequence joint commissioners were appointed in 1860 for this purpose, who marked *in situ* the position of the terminal points of the southern section of the boundary, namely, Garbutt's

¹ Voir page 431.

¹ See page 431.

Falls and Gracias á Dios Falls. However, the full survey of the frontier was not completed at that time.

The Governments of the United Kingdom and Guatemala are now desirous of completing the demarcation. As a first step towards this purpose, commissioners were reappointed, who met on the Sarstoon River on the 16 January, 1929, and who proceeded to inspect the terminal points of the southern section of the frontier. They inspected the concrete monument on the north bank of the Sarstoon River at Gracias á Dios, 900 yards up-stream from the mouth of the Chocon branch. On the 22 January, 1929, they inspected the piles of stones on either side of the Belize River at Garbutt's Falls, erected by the joint commissioners in 1861. They decided to accept these marks as indicating the exact position of the two terminal points. The marks were then replaced by new concrete monuments, erected under the supervision of the commissioners, the monument at Garbutt's Falls being placed on the southern side of the river, and the former piles of stones being demolished. The work, both on the Belize and the Sarstoon Rivers, was duly recorded in a report signed by the said commissioners at the Sarstoon River on the 29 May, 1929, of which I have received an original signed copy.

I have the honour to inform your Excellency that I am authorised by His Majesty's Government in the United Kingdom to confirm, on their behalf and in accordance with article 3, paragraph 3, of the convention, this report as set forth in the accompanying copy, duly certified by me, to accept the concrete monuments erected by the said commissioners as correctly marking the terminal points aforesaid, and to state that they would be glad to receive a similar assurance on the part of the Government of Guatemala.

The present note and your Excellency's reply will constitute the agreement between the Governments of the United Kingdom and Guatemala in the matter.

I avail, &c.

H. A. GRANT WATSON.

ENCLOSURE IN NO. I.

REPORT.

We, the commissioners appointed by the Governments of Guatemala and British Honduras to establish the permanent boundary marks at Garbutt's Falls, Belize River and at Gracias á Dios Falls, Sarstoon River, met at Fallavon, Belize River, on the 7th day of May, 1929. On the 8th we proceeded to demolish the pile of stones erected at Garbutt's Falls by the commissioners of 1861, and to erect in its place a concrete monument bearing on its top two copper plates marked "Guatemala" and "British Honduras" respectively. We completed this work on the 10th. From the 11th to the 15th we were engaged upon other work for our respective Governments, and on the 16th we left for Belize, where we arrived on the night of the 20th. Having made necessary preparations, we left Belize for Sarstoon River on the 24th and arrived at Gracias á Dios Falls on the 26th. There we erected a monument similar to that at Garbutt's Falls, which we finished on the 29th. We then proceeded down the river to Sarstoon Bar, where we separated.

Signed at Sarstoon River Bar this 29th day of May, 1929.

Fernando CRUZ,

Commissioner for the Government of Guatemala.

Fred W. BRUNTON,

Commissioner for the Government of British Honduras.

No. 2.

SEÑOR SKINNER KLÉE TO MR. GRANT WATSON.

TEXTE ESPAGNOL. — SPANISH TEXT.

1 TRADUCTION. — TRANSLATION.

SECRETARIA
DE RELACIONES EXTERIORES.MINISTRY
FOR FOREIGN AFFAIRS.

GUATEMALA, 26 de agosto de 1931.

GUATEMALA, August 26, 1931.

SEÑOR MINISTRO,

YOUR EXCELLENCY,

Tengo el honor de acusar recibo de la nota de Vuestra Excelencia, fechada el 25 del mes en curso.

I have the honour to acknowledge receipt of your note of the 25th instant.

El Gobierno de Guatemala está de acuerdo en reconocer los mojones de concreto erigidos en las caídas de Garbutt y en los rápidos de Gracias a Dios, que fijaron los comisionados de ambos Gobiernos, Señores Ingenieros Fernando Cruz y Frederick W. Brunton, el 8 y 26 de mayo del año de 1929, entre la frontera de Guatemala y Belice, según consta en el acta levantada en la Barra del Río Sarstoon por ambos delegados, el día 29 del mismo mes. Una copia del Acta, debidamente certificada, se acompaña como anexo.

The Government of Guatemala agree to accept the concrete monuments erected at Garbutt's Falls and the Rapids of Gracias á Dios which were set up by the commissioners of both Governments, Engineers Fernando Cruz and Frederick W. Brunton, on the 8 and the 26 May 1929, on the frontier between Guatemala and British Honduras according to the report drawn up at the Sarstoon River Bar by both delegates on the 29th day of the same month. A copy of the report duly certified is enclosed herewith.

Estos mojones, así terminados, forman parte de la línea fronteriza entre Belice y la República de Guatemala.

These monuments, thus determined, form part of the boundary line between British Honduras and the Republic of Guatemala.

Aprovecho, etc.

I avail, etc.

A. SKINNER KLÉE.

A. SKINNER KLÉE.

ENCLOSURE IN No. 2.

El infrascrito Subsecretario de Relaciones Exteriores certifica : que para el efecto ha tenido a la vista el acta que dice :

“ Los suscritos comisionados y nombrados por Guatemala y Honduras Británica para colocar los mojones definitivos en Garbutt's Falls y en Gracias a Dios, en el río Sarstún nos reunimos en Fallabón, sobre el río Belice, el siete de mayo de 1929. El ocho procedimos a demoler la pirámide de piedra colocada en Garbutt's Falls por los Comisionados de 1861, y construimos en su lugar un monumento de concreto que lleva en la cara superior dos placas de cobre que dicen respectivamente : ‘ Guatemala ’ y ‘ British Honduras ’. Terminamos dicho trabajo el día diez. Del once al quince nos ocupamos de otros asuntos que nos habían encargado nuestros gobiernos y el diez y seis salimos para Belice, a donde llegamos en la noche del veinte. Después de hacer los preparativos del

¹ Traduction du Foreign Office de Sa Majesté britannique.

¹ Translation of His Britannic Majesty's Foreign Office.

caso el veinticuatro salimos de Belice en dirección al río Sarstún y llegamos a los rápidos de Gracias a Dios el veintiseis. Allí se construyó un monumento semejante al de Garbutt's Falls, el cual quedó terminado el veintinueve. Después caminamos río abajo hasta la Barra del Sarstún, en donde nos sepáramos. Firmamos la presente en la Barra del Sarstún el 29 de mayo de 1929. (f) Fernando CRUZ, Com. por el Gob. de Guatemala. (f) Fred W. BRUNTON, Com. por el Gob. de Honduras British. ”

Y para agregarla como anexo a la nota número 11443, de esta fecha, extendiendo, sello y firma la presente certificación, confrontada con su original, en la ciudad de Guatemala, a los veintiseis días del mes de agosto de mil novecientos treinta y uno.

(Seal.) J. Ed. GIRÓN.

¹ TRADUCTION. — TRANSLATION.

The undersigned Sub-Secretary of Foreign Affairs certifies : that he has seen the report, which states :

(For English text, see enclosure to No. 1, page 429.)

And in order to annex it as an enclosure to note No. 11443 of this date I draw up, seal and sign the present certificate, compared with its original, in the City of Guatemala, on the twenty-sixth day of the month of August, nineteen hundred and thirty-one.

(Seal.) J. Ed. GIRÓN.

APPENDIX.

CONVENTION ²

BETWEEN HER MAJESTY AND THE REPUBLIC OF GUATEMALA, RELATIVE TO THE BOUNDARY OF BRITISH HONDURAS. SIGNED AT GUATEMALA, APRIL 30, 1859.

Whereas the boundary between Her Britannic Majesty's settlement and possessions in the Bay of Honduras, and the territories of the Republic of Guatemala has not yet been ascertained and marked out ; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Guatemala, being desirous, with a view to improve and perpetuate the friendly relations which happily subsist between the two countries, to define the boundary aforesaid, have resolved to conclude a convention for that purpose, and have named as their plenipotentiaries, that is to say :

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND :

Charles LENNOX WYKE, Esquire, Her Britannic Majesty's Chargé d'Affaires to the Republic of Guatemala ; and

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF GUATEMALA :

Don Pedro DE AYCINENA, Councillor of State, and Minister for Foreign Affairs ;

¹ Traduction du Foreign Office de Sa Majesté britannique.

² Ratifications échangées à Guatémala, le 12 septembre 1859.

¹ Translation of His Britannic Majesty's Foreign Office.

² Ratifications exchanged at Guatemala, September 12, 1859.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles :

Article 1.

It is agreed between Her Britannic Majesty and the Republic of Guatemala, 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 á Dios Falls ; then turning to the right and continuing by a line drawn direct from Gracias á Dios Falls to Garbutt's Falls on the River Belize, and from Garbutt's Falls due north until it strikes the Mexican frontier.

It is agreed and declared between the high contracting parties that all the territory to the north and east of the line of boundary above described belongs to Her Britannic Majesty, and that all the territory to the south and west of the same belongs to the Republic of Guatemala.

Article 2.

Her Britannic Majesty and the Republic of Guatemala shall, within twelve months after the exchange of the ratifications of the present convention, appoint each a commissioner for the purpose of designating and marking out the boundary described in the preceding article. Such commissioners shall ascertain the latitude and longitude of Gracias á Dios Falls and of Garbutt's Falls, and shall cause the line of boundary between Garbutt's Falls and the Mexican territory to be opened and marked where necessary, as a protection against future trespass.

Article 3.

The commissioners mentioned in the preceding article shall meet at such place or places as shall be hereafter fixed, at the earliest convenient period after they shall have been respectively named ; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favour, or affection to their own country, upon all the matters referred to them for their decision ; and such declaration shall be entered on the record of their proceedings.

The commissioners shall then, and before proceeding to any other business, name some third person to act as arbitrator or umpire in any case or cases in which they may themselves differ in opinion. It they should not be able to agree upon the choice of such a third person, they shall each name a person ; and in each and every case in which the commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be the arbitrator or umpire in that particular case. The person or persons so to be chosen shall, before proceeding to act, make and subscribe a solemn declaration, in a form similar to that which shall already have been made and subscribed by the commissioners, which declaration shall also be entered on the record of the proceedings. In the event of the death, absence, or incapacity of either of such commissioners, or of either of such arbitrators or umpires, or of his omitting, or declining, or ceasing to act, another person shall be named, in the same manner, to act in his place or stead, and shall make and subscribe such declaration as aforesaid.

Her Britannic Majesty and the Republic of Guatemala shall engage to consider the decisions of the two commissioners conjointly, or of the arbitrator or umpire, as the case may be, as final and conclusive on the matters to be respectively referred to their decision, and forthwith to give full effect to the same.

Article 4.

The commissioners hereinbefore mentioned shall make to each of the respective Governments a joint report or declaration, under their hands and seals, accompanied with a map or maps in quadruplicate (two for each Government), certified by them to be true maps of the boundary defined in the present treaty, and traversed and examined by them.

Article 5.

The commissioners and the arbitrator or umpire shall keep accurate records and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ such surveyors, clerk or clerks, or other persons, as they shall find necessary to assist them in the transaction of the business which may come before them.

The salaries of the commissioners shall be paid by their respective Governments. The contingent expenses of the commissions, including the salary of the arbitrator or umpire, and of the surveyors and clerks, shall be defrayed in equal moieties by the two Governments.

Article 6.

It is further agreed that the channels in the water-line of boundary described in article 1 of the present convention shall be equally free and open to the vessels and boats of both parties; and that any islands which may be found therein shall belong to that party on whose side of the main navigable channel they are situated.

Article 7.

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.

Article 8.

The present convention shall be ratified, and the ratifications shall be exchanged at London or Guatemala as soon as possible within the space of six months.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Guatemala, the thirtieth day of April, in the year one thousand eight hundred and fifty-nine.

(L. S.) Charles LENNOX WYKE.

(L. S.) P. DE AYCINENA.

¹ TRADUCTION. — TRANSLATION.

N^o 2946. — ÉCHANGE DE NOTES ENTRE LE GOUVERNEMENT DE SA MAJESTÉ DANS LE ROYAUME-UNI ET LE GOUVERNEMENT DU GUATÉMALA CONCERNANT LA FRONTIÈRE ENTRE LE HONDURAS BRITANNIQUE ET LE GUATÉMALA. GUATÉMALA, LES 25 ET 26 AOUT 1931.

N^o 1.

M. GRANT WATSON A M. SKINNER KLÉE.

LÉGATION DE GRANDE-BRETAGNE.

GUATÉMALA, le 25 août 1931.

MONSIEUR LE MINISTRE,

La frontière entre le Honduras britannique et la République du Guatemala a été fixée par la Convention² entre la République du Guatemala et Sa Majesté la Reine de Grande-Bretagne et d'Irlande, signée à Guatemala le 30 avril 1859 ; l'article 1 (paragraphe 2) de cette Convention stipule que cette ligne frontière « partant de l'embouchure de la rivière Sarstoon dans le golfe de Honduras, remonte le milieu du chenal de cette rivière jusqu'aux chutes de Gracias á Dios puis, s'infléchissant à droite, se poursuit par une ligne droite allant des chutes de Gracias á Dios aux chutes de Garbutt sur la rivière Belize, d'où elle continue vers le nord jusqu'au point de rencontre avec la frontière mexicaine ».

L'article 2 de la convention stipule en outre que « Sa Majesté britannique et la République du Guatemala nommeront chacune, dans un délai de douze mois à compter de l'échange des ratifications de la présente convention, un commissaire en vue de délimiter et de marquer la frontière décrite dans l'article précédent. Les commissaires ainsi nommés détermineront la latitude et la longitude des chutes de Gracias á Dios et des chutes de Garbutt et devront tracer et, le cas échéant, marquer la frontière entre les chutes de Garbutt et le territoire mexicain, afin de la protéger à l'avenir contre toute violation. »

En conséquence il a été procédé en 1860 à la désignation des commissaires en question qui ont marqué *in situ* la position des points extrêmes de la fraction sud de la frontière, à savoir, les chutes de Garbutt et les chutes de Gracias á Dios. Toutefois, le levé topographique complet de la frontière n'a pas été effectué à cette époque.

Les Gouvernements du Royaume-Uni et du Guatemala désirent maintenant compléter le travail de démarcation. A cet effet, il a été tout d'abord procédé à la nomination de nouveaux commissaires qui, après s'être rencontrés le 16 janvier 1929 sur la rivière Sarstoon, sont allés inspecter les points extrêmes de la fraction sud de la frontière. Ils ont inspecté la borne en béton située à Gracias á Dios, sur la rive nord de la rivière Sarstoon, à 900 yards en amont de l'embouchure de l'affluent Chocon. Le 22 janvier 1929, ils ont inspecté les tas de pierres dressés en 1861 par les deux commissaires, de chaque côté de la rivière Belize, à hauteur des chutes de Garbutt. Ils ont décidé d'accepter ces marques comme indiquant la position exacte des deux points extrêmes. Ces marques ont alors été remplacées par de nouvelles bornes en béton, posées en présence des commissaires ; la borne des

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

² Voir page 436.

¹ Translated by the Secretariat of the League of Nations, for information.

² See page 436.