

The 1931 Exchange of Notes

25-26 August 1931

The content of the 1931 Exchange of Notes is sufficiently important to warrant an extended consideration of it. As is standard in treaties constituted by an exchange of notes, the substance of the agreement is set out in the note of the party initiating the exchange and is repeated or referred to in the response of the other party which completes the exchange and makes it effective.

The exchange was initiated by a note from the British Minister to Guatemala dated 25 August 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 30th April, 1859, 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 a Dios Falls; then turning to the 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.’

“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 a 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 Falls and Gracias a 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 monuments on the north bank of the Sarstoon River at Gracias a 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 pile 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, etc.

H. A. Grant Watson"

The report of the commissioners referred to in the fourth paragraph of the Note was appended to it as an enclosure:

"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 a 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 a Dios 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.”

*The Guatemalan answer was dated the next day, 26 August 1931
and reads as follows:*

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

“The Government of Guatemala agree to accept the concrete monuments at Garbutt’s Falls and the Rapids of Gracias a 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.

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

“I avail, etc.
A. Skinner Klee”

The Guatemalan answer also appended the report of the commissioners.

The Guatemalan reply also carried the following attestation:

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

(There then follows the text of the report of the Commissioners.)

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. Giron."

(Lauterpacht, *et al*, *Legal Opinion on Guatemala's Territorial Claim to Belize*, Nos. 42-46, pp. 19-21)