

# **The Sapodilla Cays: Geopolitical Asterisk in the Bay of Honduras**

**Tim Hudson**

*Department of Geography  
University of Southern Mississippi  
Hattiesburg, MS 39406*

**J. Millard Burr**

*Special Assistant to The Geographer  
U.S. Department of State  
Washington, DC 20520*

Honduras's claim to Belize's Sapodilla Cays appears certain to complicate the resolution of one of the hemisphere's oldest and most vexatious controversies, the sovereignty dispute between Belize and Guatemala. On the eve of Belizean independence in late 1980, a proposed agreement, intended to lay the foundation for ending the territorial dispute among Belize, Guatemala, and the United Kingdom, called for Belize to extend to Guatemala "use and enjoyment" of the Sapodilla Cays. Honduras, having previously activated a nearly forgotten claim to the Cays, began to press vigorously for control of the islands after the agreement was announced. Ultimately, the Sapodilla Cays, spelled Cayos Zapotillos, were included as national territory in the 1982 Honduran constitution (Figure 1).



Fig. 1. The Sapodilla cays.

This study examines the evolution of the Honduran claim to the Sapodillas in order to assess its potential for affecting the delicate and complex efforts to settle the long-standing Belize-Guatemala controversy. Following a historical overview, the Sapodilla conflict is analyzed within the context of the geopolitical forces operative in the region today.

## HISTORICAL ANTECEDENTS

The Sapodilla dispute may date from 1638 when shipwrecked English sailors began the occupation of the southeastern part of the Yucatan peninsula. The harvesting of mahogany and dyewood trees led, in 1662, to the formal establishment of a British colony, later called British Honduras.

The islets and islands fronting British Honduras for years provided an excellent staging ground for Caribbean pirates. In 1717 the infamous Blackbeard found sanctuary in the Bay of Honduras and used Sapodilla as a homebase for his forays against Spanish and other ships (Caiger 1951). Indeed, as recently as 1826, three buccaneers using the waters and numerous islet havens off the coast of southeastern Yucatan were captured by the colonial government (Burdon 1935).

A Spanish royal decree in August 1745 established the Province of Honduras. It was given jurisdiction over the region stretching from Cabo Catoche on the Yucatan peninsula to Cabo Gracias a Dios, the eastern terminus of the present boundary between Nicaragua and Honduras (Vallejo 1938). **[end p. 17]**

No particular reference was made to the numerous islands, islets, and cays lying off the mainland shore. The omission was perpetuated in 1838 when the new Republic of Honduras was founded, comprising all the territory "that belongs and has belonged to the bishopric of Honduras" referred to in the 1745 royal decree (República de Honduras 1838).

In the immediate post-colonial period, Honduras used the "archipelago of the Bay Islands" concept to buttress its claim to the Sapodillas. The Bay Islands, which had been settled in the eighteenth century by English, Blacks, and Caribs, were eventually ceded, along with the Mosquito Coast, to Honduras in 1859. The cession was in part the result of pressure applied by a succession of pre-Civil War American administrations which, through the Clayton-Bulwer treaty of 1850 and the stillborn Dallasendon treaty of 1856, barely disguised their distaste for British colonies located in Latin America (Travis 1899). When Britain ceded the Bay Islands to Honduras and withdrew her claim to Miskitia in the Wyke-Cruz Treaty of 1859, each of the larger islands was named yet the Sapodilla Cays received no mention.

Her Britannic Majesty agrees to recognize the Islands of Ruatan, Guanaca, Elena, Utile, Barbarete, and Morat, known as the Bay Islands, and situated in the Bay of Honduras, as a part of the Republic of Honduras (Treaty 1859).

Later, in an effort to build a case for sovereignty over the Swan Islands in its dispute with the United States, Honduras interpreted the language of the royal decree to include all the nearby offshore islands (López 1966). The failure to name Sapodilla in the list of Bay Islands, however, certainly weakened the contention that the cays were part of the Bay Island archipelago, itself an ill-defined entity. Modern Honduran "irridentists" contend that the Sapodillas are part of the Bay Island "archipelago." Their position is based, in part, on various historical documents that link the islands to Honduras. One, prepared in 1850 by Captain R. C. Mitchell of the British Navy, stated the following: "In addition to the [larger Bay] islands mentioned there are over 50 islets exclusive of the keys of Sapotillos and Cochinos and of which we have spoken previously" (Martínez 1930).

Guatemala, for its part, appears never to have doubted that the Sapodilla Cays formed part of the "British" community for precisely the same reason that Honduras now perceives them as part of an archipelago-their location in the Bay of Honduras. On April 30, 1859, a boundary was established "between the Republic [of Guatemala] and the British Settlement and Possessions in the Bay of Honduras" (Treaty 1859). The language implied that Guatemala considered the Sapodilla Cays, although not mentioned by name, as part and parcel of the "British Settlement."

## **THE OMOA INCIDENT**

The only U.S. citizen whose activities appear to support the Honduran claim is George Williamson. In

1873 Williamson resided in Guatemala City as Head of the U.S. Legation to Central America. In that year, he reported to the Department of State on the bombardment of the Honduran coastal town of Omoa by the British man-of-war *Niobe*. The action, as he put it, was retribution for an "insult to the British flag, and trespass upon the (so-called) British soil of the island of Zapodilla, when the authorities of Honduras (General Staeber commanding) captured the Spanish and Portuguese consuls there" (Foreign Relations of the U.S. 1874). Williamson did not explain what the consuls were doing on the "island of Zapodilla," nor why Honduras had detained them; nor did he clarify why the British soil trespassed upon was only "so-called."

As it later turned out, General Staeber's actions resulted in the desecration of the American flag as well as the Union Jack. Once the buccaneer general escaped the noose by fleeing into El Salvador, Williamson understandably lost interest in the issue and the saga of the Sapodillas disappeared from the Foreign Relations of the United States series.

Unhappily, Williamson provided no clue as to why he questioned Britain's sovereignty to the Sapodilla Cays. He was not alone in his doubts, however. Documents authored by the *Niobe*'s Commander and dated July 28, 1873, also qualify British sovereignty. In a letter to the Lieutenant Governor of British Honduras, the commander indicated that General Straeber, by means of a staff officer sent to the *Niobe* when Straeber was abandoning Omoa, had acceded to a "request to refrain from active jurisdiction over the Sapodilla Cayes pending the settlement of the boundary." Straeber, in turn, asked that the "inhabitants of the Sapodilla Cayes . . . be compelled to fulfill their neutral obligation" (Burdon 1935).

*AFTER OMOA, BEFORE BELIZE* Oddly enough, the Omoa incident appears to have marked the end of an epoch. Thereafter, and until recently, references to the Sapodillas are rare and, where they can be found, often vague.

Some of the confusion may stem from the variety of spellings apparently used to refer to the same [end p. 18] series of islets, rocks, and cays. The Spanish pronunciation of *sapodilla* (the tree from which chicle derives), *zapatilla* (slipper, animal's hoof, or, more romantically, the wadding used behind the lock of a pirate's pistol), and variations such as *zapodilla*, *zapotilla*, and *sapatilla* are quite similar. Nevertheless, the United States Board on Geographic Names Gazetteer for Honduras (second edition, 1983) includes no entry for the Cayos Zapotillos, or any of the variations noted above. In the early twentieth century, Elises Meza Calix's *Geografía de Honduras* (1916) included within Honduras's island possessions, "others of minor significance, known by the names of Cochinos and Zapotillos." Similarly, the *Geografía de Honduras* (1949) by Aguilar Pinel noted that the Honduran Department of Islas de la Bahía included the Bay Islands, Swan Islands, and the Zapotillas. Ironically, Aguilar Pinel's work, unashamedly nationalistic, dilutes the contention that the Sapodillas are part of the Bay Islands archipelago by listing them separately!

Subsequent Honduran authors have provided little that would clarify, support, or debunk Honduras's claim to the Cays. For example, in a 1960 issue of the *Revista de La Sociedad de Geografía e Historia de Honduras* devoted to "Honduras's territorial rights" Jesus Aguilar Paz notes that Honduras has a territorial dispute with Belize, the "Cayos Zapotillos dispute" (1960). Aguilar Paz did not elaborate on the dispute. Another work on Honduran rights in the Caribbean, Humberto Lopez Villamil's (1961) study on the Swan Islands, provided extensive material on the Gulf of Honduras, but nothing on the Sapodilla claim.

In recent years, the cartographic depiction of the Honduran claim seems to have made its most vigorous appearance with the *Mapa General, República de Honduras* (scale 1:1,000,000), first published in 1967. All eight editions of this popular map prepared by Honduras's Instituto Geográfico Nacional show a boundary that separates the Honduran "Cayos Zapotillos" from other islets off the coast of Belize.

Not until 1982 did Honduras make a constitutional claim to the Sapodilla Cays (Republic of Honduras 1982). The first constitution (1838) held that, to the north and northeast, the nation was circumscribed by the Atlantic Ocean and by "the islands adjacent to its coast .... " This open-ended claim was repeated in the Honduran constitutions of 1848, 1865, 1880, 1894, 1904, and 1908. Title I, Article 5, of the 1924 constitution noted only that, "the limits of Honduras and its territorial division shall be as determined by law." More specificity was added in time. Under Article 2 of the 1957 Constitution Honduras claimed certain named islands (but not the Sapodillas), and others "situated in the Atlantic that historically and juridically pertain to [Honduras]. "

In the mid-1960s, the U. S. Department of State's Geographer clearly doubted Honduras's claim to the Sapodillas, noting "there is no known Honduran claim" (U. S. Dept. of State 1967). He went on to point out that, in any case, Honduran territory was further removed from the Cays than the region's two other potential claimants, British Honduras and Guatemala.

### **BELIZEAN INDEPENDENCE AND THE REVIVIFIED HONDURAN CLAIM**

As independence for Belize approached, Honduras attempted to strengthen its claims to the Sapodillas, apparently wishing to establish a stronger case in light of the give and take that often precedes the emergence of a new nation from a colonial state. Ironically, the clearest Honduran statement on the subject was a clarification of the Honduras Foreign Secretary's remark that "We have no problem with Belizean territory ... " (Foreign Broadcast Information Service 1980). On the day following the appearance of this comment, a Foreign Secretariat Office bulletin cautioned that the comment "did not imply any renunciation of the sovereign rights Honduras has over the Zapotillo cays, rights that will be upheld when demarcation is discussed" (Foreign Broadcast Information Service 1980).

On March 11, 1981, just six months prior to the date set for Belizean independence, the United Kingdom and Guatemala announced in London that, "in order to settle the controversy over the territory of Belize," agreement had been reached on a sixteen-point plan. The plan included, among other things, two related articles that spurred Honduras to respond officially to the accord. The agreement called for Guatemala to be granted "such a territorial sea as shall ensure permanent and unimpeded access to the high seas .... " Moreover, and partially to secure this access, Guatemala was granted "the use and enjoyment of the Ranguana and Sapodilla Cays," with such use and enjoyment left undefined for the moment.

Upon learning of these provisions in the tripartite plan, the Honduras Foreign Minister called an emergency meeting of the Commission for Territorial Studies to review the agreement. The Commission responded immediately, insisting that "Honduras must send a statement to the Governments of the United Kingdom, Guatemala, and Belize to place the Honduran rights over Zapotillo Cays on the record" (Foreign Broadcast Information Service 1981a). Two days later, on March 19, 1981, a government of Honduras communiqué officially protested the London agreement arguing that, as **[end p. 19]** constructed, the accord would affect its "time immemorial rights of sovereignty over the Zapotilla Cays" (Foreign Broadcast Information Service 1981b). Soon after independence ceremonies in Belize City on September 21, 1981, Elvir Sierra, Honduras's representative to the United Nations, made what appears to be Tegucigalpa's only attempt to publicize the dispute in an international forum. Before the General Assembly he stated the following:

During one of the various stages of the search for a solution to the dispute between the United Kingdom . . . and Guatemala over the territory of Belize, the Minister [sic] of Foreign Affairs of those two countries and the Prime Minister of Belize signed a document entitled "Heads of Agreement." In one of those Heads, Guatemala is granted the use and enjoyment of Zapotillos Cayos. The Zapotillos Cayos historically, geographically and legally belong to Honduras.

For this reason, Honduras submitted to the Government of the United Kingdom ... a note of

protest at the alleged cession of a sovereignty that belongs to Honduras (Sierra 1981).

The timing of the announcement of the tripartite agreement and subsequent Honduran press coverage of official domestic reaction coincided with an ongoing revision of the Honduran constitution. Chapter II, Article 10, of that document, ultimately issued as Decree No. 131 on January 11, 1982, reflected a more rigid Honduran position:

The territories located on the mainland within its territorial limits, its inland waters and its islands, islets .. · which historically, geographically and legally belong to it, are part of Honduras. So are ... the cays Zapotillos · .. (Republic of Honduras 1982).

## **REGIONAL GEOPOLITICS AND THE SAPODILLAS**

Honduras's renascent claim to the Sapodillas comes at a time when the Belize-Guatemala dispute has entered a critical phase. Of all the remaining sovereignty issues in Latin America, the Belize controversy is clearly one of the most difficult to resolve and one of the most significant, owing to the fact that it ostensibly involves the territorial integrity of an entire state. Guatemala still does not recognize Belize and insists on "proximity talks" (i.e., talking to the United Kingdom while Belizean representatives are nearby) in all efforts to resolve the dispute.

Guatemala is well aware, nonetheless, that time and the weight of world opinion favor Belize. The United Kingdom has agreed, in addition, to continue to station in Belize its Belize Defense Force, an 1800-man contingent supported by a squadron of Harrier jets, until the issue reaches an accommodation. The presence of this force, along with the international reaction that would ensue, should deter any attempt by Guatemala to resolve the issue by the use of force.

A plethora of proposals has been put forward in an effort to end the century-old controversy. Several of these would offer Guatemala unimpeded access to the sea in return for its rescinding any sovereign claims to all or part of Belizean mainland territory. The rationale and, in the view of Guatemala, the need for such a corridor stems from the evolving state practice and precedents in the international law of the sea (O'Connell 1982). Although the United Nations Convention on the Law of the Sea (UNCLOS) has yet to enter into force, it embodies many of the juridical principles for the creation of effective maritime limits; for example, it establishes a twelve nautical mile territorial sea and a two-hundred nautical mile exclusive economic zone (United Nations 1983). The Convention often is viewed as customary law, and in some cases, has been recognized as such by the International Court of Justice. According to the Convention, hypothetical equidistance line techniques can be employed to establish a maritime boundary where potential claims overlap. The method is routinely used and widely accepted as fair. If this method were followed in the Bay of Honduras, however, Guatemala would be "blocked"--that is; it would be unable to gain access to "high seas" without passing through the territorial waters of another state. This situation is viewed in Guatemala City as unacceptable.

It should be remembered that the chronic sovereignty dispute with Belize derives from what Guatemala interprets as the failure of the United Kingdom to carry out a part of the 1859 accord recognizing the British presence in Yucatan (Hudson 1982). The particular provision in question called for the United Kingdom to help Guatemala establish "the easiest communication" between its capital and Atlantic coast. In the final analysis, then, Guatemala, despite being a coastal state, has always felt somewhat "landlocked" on its northeastern flank. The possibility that this perception could find de facto expression as a result of evolving law of the sea regimes has troubled a succession of Guatemalan governments. Recognition of Belize's sovereignty may yet demand some quid pro quo to allow Guatemala access to the Caribbean.

It is in this wider geopolitical context that the Sapodilla Cays have become a significant geopolitical

issue. Owing to their location, the Cays are almost certain to be named in any scheme to provide Guatemala access to the high seas short of the creation of an "unanchored," circuitous sea lane. Guatemala has expressed repeatedly its unwillingness to accept the latter, holding that access must be [end p. 20] guaranteed not by a "paper agreement" but by sovereignty over the territory.

Honduras, meanwhile, insists that it should participate in any negotiations involving the closely shared maritime zone. It is concerned that its views be heard regarding the delimitation of sea borders. Honduran officials contend that to omit them from discussions concerning the establishment of maritime limits in the Bay of Honduras "could cause situations of conflict prejudicial to the legitimate rights of Honduras and the performance of treaties to be signed" (Foreign Broadcast Information Service 1981b).

## CONCLUSION

As a bilateral issue complicating relations between Belize and Guatemala, the disposition of the Sapodillas is complex and sensitive. The Honduran claim, a new variable in an already abstruse equation, exacerbates this complexity. It could easily delay the settlement of the Belize-Guatemala dispute and create the potential for more direct confrontation. Since independence, Belize has, on occasion, detained Honduran nationals fishing in the waters adjacent to the cays. Regardless of the strength of the Honduran claim, the Belize-Guatemala dispute may never be resolved until the sovereignty over the Sapodilla Cays is determined.

## NOTE

1. The views and opinions expressed are those of the authors and do not necessarily reflect those of the United States government.

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