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(U) THE GULF OF FONSECA: CONFLICTING
TERRITORIAL CLAIMS

(U) Summary

Patrol boats from Honduras and Nicaragua exchanged gunfire in the Gulf of Fonseca on July 20, 1983. Both nations claimed that a vessel of the other had intruded into its territorial waters. This action, one of many such incidents in recent years, occurred in a body of water in which seaward jurisdiction has been the subject of debate for 70 years (see Appendix). Between 1914 and 1971, the US maintained a treaty right to establish a naval base on the Nicaraguan coast of the Gulf.

The Gulf of Fonseca is currently of particular importance as a result of the rise of the Sandinista regime in Nicaragua, Nicaraguan use of the Gulf as a supply route for the Salvadoran insurgency, and the US-Honduran military exercise planned for August 1983-January 1984.

Although El Salvador, Honduras, and Nicaragua border the Gulf, the only agreement on a water boundary between any of these states is a 1900 boundary agreement between Nicaragua and Honduras. That boundary was challenged by El Salvador in 1914 when a "Convention Respecting a Nicaraguan Canal Route" between the US and Nicaragua gave the US the right to establish a naval base on Nicaraguan territory in the Gulf of Fonseca. El Salvador claimed, and the Central American Court of Justice found in 1917, that the Gulf was an "historical bay" and a "closed sea." The Court declared that a naval base would threaten "the national safety of El Salvador and violate [the] rights of joint ownership in the waters of said Gulf" (emphasis supplied).

The US (which was not a party to the case) never exercised its option to construct a base and in 1971 terminated the 1914 Convention. Nicaragua

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(U) Background

The Gulf of Fonseca is one of the finest natural harbors in western Latin America. Its greatest length is approximately 50 miles, and its mean width is 30 miles. The entrance, measured from Amapala Point to Cosiguina Point, is 21 miles wide. The channel followed by deep-draft vessels runs between Meanguera Island and the Cosiguina coast. Safe anchorages can be found at Amapala, Honduras and La Union, El Salvador.

The Gulf is bordered by El Salvador, Honduras, and Nicaragua. It has been addressed by only one treaty--the Gamez-Bonilla agreement of 1894 between Honduras and Nicaragua--and a single boundary delimitation under the treaty which established a recognized seaward boundary in the Gulf. The 1900 boundary agreement used both the equidistance method and straight-line segments to create a division of territory between Honduras and Nicaragua.

The legitimacy of the boundary was placed in question in 1914 when the US, through the Bryan-Chamorro Treaty, obtained a 99-year lease permitting the construction of a naval base on Nicaraguan territory. El Salvador and Costa Rica protested the treaty, and the Central American Court of Justice found against Nicaragua. The Court ruled on 24 legal points. Its most important findings were:

- The Gulf was an historic bay possessed of the characteristics of a closed sea.
- The Gulf was the common property of the three bordering states, and the waters "which form the entrance to the Gulf intermingle."
- A marine league (three nautical miles) territorial sea followed the contours of the respective coasts, and a "zone of inspection extend[ed] three leagues more in the same direction."
- The establishment of a naval base would violate the right of co-ownership possessed by El Salvador and would therefore compromise the security of El Salvador.

The Central American Court of Justice did not enjoin Nicaragua to refrain from fulfilling the Bryan-Chamorro Treaty, on the ground that the US was not subject to the Court's jurisdiction. Nicaragua

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sheet ONC K25, 1:1,000,000, 1979), the depiction of such a boundary is not accurate.

Gulf Incidents: Honduras-Nicaragua

(U) The unresolved sovereignty issues were responsible for numerous fishery disputes throughout the period 1950-80. In recent years, the transit of arms from Nicaragua to insurgents in El Salvador has required both Honduras and El Salvador to increase their naval patrols in Gulf waters. By 1982, this patrolling had led to serious clashes. In March of that year, Nicaraguan naval vessels attacked elements of a Honduran naval patrol.

(U) Such incidents, together with the increased infiltration of arms through Honduras to El Salvador, led to a meeting of Nicaraguan and Honduran military representatives in May 1982. In an effort to reduce tensions along its sea and land boundaries, Honduras called for the formation of joint border patrols. It also proposed that the Gulf of Fonseca be made a "Zone of Peace" in order to reduce tension.

(C) In a second meeting in July 1983, the commanders of the Nicaraguan and Honduran navies ostensibly agreed to establish a "Zone of Tolerance" in the Gulf. The agreement was to have been submitted to the respective governments, but such provisions as the demarcation of the maritime boundary with clearly visible buoys have not been acted upon. In March 1983, following another serious incident, Nicaragua claimed that its proposals for joint patrols had been "ignored by Honduras."

(U) A month later, Honduras and Nicaragua brought charge and countercharge before the UN Security Council. Both claimed the other was responsible for a clash on April 14. A Honduran note submitted to the UN stated that:

"...the main purpose of the meeting held last year between the Commanders of the Naval Forces...was to seek appropriate means of avoiding this type of incident. The Honduran delegation made specific proposals to that end, while the Nicaraguan Government has never expressed its views on them. Moreover, the latter Government has not proposed the convening of the follow-up meeting that was agreed upon...."

The incidents have continued. The most recent occurred on July 20 when once again Honduran and Nicaraguan naval vessels exchanged fire southeast of Tigre Island.

Incidents: El Salvador-Nicaragua

(U) For years prior to the overthrow of the Somoza government, relations between El Salvador and Nicaragua suffered strains

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rejected the Court's decision but the legacy of the judgment remains, even though the Court itself has ceased to exist. The Bryan-Chamorro Treaty was terminated by the US and Nicaragua in 1971. To date, the three Central American nations have been unable to determine their respective boundaries in the Gulf. One result has been an increase in the number of maritime incidents since the Sandinista government assumed power in Nicaragua in 1979.

(U) Gulf of Fonseca Mapping

A review of the large-scale map accompanying the Honduras-Nicaragua Boundary Commission Report, which was prepared in July 1901, indicates that:

- The Commission used the method of equidistance between opposite coasts in delimiting the Honduras-Nicaragua boundary in the Gulf of Fonseca. The final segment of the Gulf boundary is not a straight line--a depiction which often appears on small-scale maps.
- The Commission's boundary terminus in the Gulf was located very near what could now be considered a hypothetical equidistance tripoint--assuming El Salvador's sovereignty over the adjacent islands. This junction could be used in the future as a starting point for a division of Gulf waters (see map).

A review of more modern maps produced by the three governments shows that:

- El Salvador and Honduras generally make no attempt to depict a water boundary within the Gulf.
- Nicaragua depicts a boundary at variance with the map attached to the July 1901 work of the Honduras-Nicaragua Boundary Commission.

In the latter case, Nicaraguan maps depict a boundary that bends around San Jose Point and prolongs to the west. A particularly egregious example of the boundary extension can be found in a map prepared in 1969 (1:1,000,000) by Nicaragua's Ministry of Natural Resources which depicts a boundary continuing nearly to the entrance of the Gulf of Fonseca. A justification for such depictions has not been found. Given El Salvador's occupation of islands proximate to the boundary itself, such a boundary would require an agreement with the Government of El Salvador.

US Government maps occasionally have depicted a tripartite boundary in the Gulf of Fonseca. Regardless of the notation that it is a "boundary in dispute" (viz., US Defense Mapping Agency

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Nicaraguan waters west of Cosiguina Point. Simultaneously, Nicaragua claimed that the warship's presence in the Gulf of Fonseca violated Nicaraguan sovereignty and constituted a threat. The Nicaraguans on April 8 delivered a note to the US Embassy in Managua protesting the patrol. The Embassy responded that the US could not accept Nicaragua's claim to a 200-nautical-mile territorial sea--promulgated by a Sandinista decree of December 1979--but that the US "invariably respected limits out to 12 miles." No attempt was made to refute the statement about US presence in the Gulf. There have been further Nicaraguan protests concerning US patrols in Pacific Ocean waters, the most recent on July 19, 1983.

Other Latin American Viewpoints

(U) The resolution of Gulf sovereignty problems has been of interest to other Latin American states. Peruvian President Belaunde Terry, at a dinner celebrating the signing of the El Salvador-Honduras Peace Treaty of 1980, stated:

"I ask the international organizations to cast their eyes over the Central American map and see in the Gulf of Fonseca where El Salvador, Honduras and Nicaragua converge a great opportunity to draw up a master development plan which is tripartite.... It is an excellent geographic opportunity to reach solutions which once and for all can put an end to the troubles that those nations are stoically experiencing."

(C) Colombia's Vice Minister of Foreign Relations, speaking in May 1983 about the Contadora initiative, said that it would be important to send observers to the Gulf of Fonseca, as had been done with regard to the Costa Rica-Nicaragua frontier. A regional effort, he felt, "would constitute the initial step towards controlling Nicaraguan arms shipments into El Salvador." In January 1983 in Managua, Peru's Ambassador to Nicaragua reiterated his government's view of the need for economic cooperation and the joint use of the Gulf of Fonseca by the three states.

(C) Tangential to the historic waters argument, it is possible that a Latin American state, including Nicaragua itself, could raise the issue that US naval vessels bearing nuclear arms are located within the claimed territorial sea of either El Salvador or Nicaragua. This, it could be argued, is in contravention of the Treaty for the Prohibition of Nuclear Weapons in Latin America (1967). Specifically:

"Article 1: The contracting parties hereby...prohibit and prevent in their respective territories...

(b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapon, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way. [Emphasis supplied.]

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over fishing rights in the Gulf of Fonseca. The most serious incidents occurred in 1967-68, when Nicaraguan aircraft strafed Salvadoran fishing vessels in the Gulf on numerous occasions.

(U) Since the Sandinista takeover in 1979, the number of incidents in the Gulf has increased dramatically. In November 1982 El Salvador charged that one of its patrol boats had been attacked by a Nicaraguan Navy vessel near Meanguera Island. In March 1983 Managua claimed that a Salvadoran naval vessel had attacked a Nicaraguan fishing vessel within its territorial waters. Most recently, in July 1983, Nicaragua claimed that a Salvadoran coast guard ship had attacked a Nicaraguan fishing vessel southwest of the hypothetical equidistance tripoint in the Gulf (see map).

(C) Fishing vessels and canoes (especially from the small Nicaraguan port of Potosi) have been used by Nicaragua to ferry arms to the El Salvador insurgents. Without constant surveillance such incidents are likely to continue. In May 1983, El Salvador asked the US to assist it in augmenting its patrol force in the Gulf in order to interdict arms shipments to the insurgents. There have been indications that increased electronic surveillance and naval patrolling have helped curtail this movement of arms. Nevertheless, the potential for conflict remains.

The Sandinista Government and the US

(U) The presence (whether actual or imagined) of US Navy vessels in the Gulf of Fonseca has been the cause of recent Nicaraguan concern. In August 1981, Managua's Nuevo Diario claimed that the US was building a naval base in the Gulf, at Amapala, Honduras, which eventually would become "an imperialist enclave." It also claimed: "The building of a naval base would turn the waters of the Gulf into a focus of provocations, increasing the danger of war or intervention throughout the isthmus." The Honduran Defense and Public Security Minister was quick to reply: "There is a base in Amapala, but it belongs to our navy." He denied that an agreement had been reached to establish a US naval base in the Gulf of Fonseca or elsewhere on Honduran territory.

(U) In June 1982 a Nicaraguan naval vessel fired on a US helicopter, which Managua claimed was flying three miles from the Nicaraguan coast in the Gulf and had approached the Nicaraguan vessel "in a bellicose manner." The US responded that both the helicopter and its mother ship were located more than 12 miles from the Nicaraguan coast, and that the action clearly had occurred off the Pacific Coast and not in the Gulf of Fonseca.

(C) In April 1983 Nicaragua claimed that for more than a month a US Navy vessel had "openly" engaged in espionage in

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"Article 3: For the purposes of this Treaty, the term 'territory' shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation."

The US could counter that it does not recognize the 200-mile territorial sea claimed by both El Salvador and Nicaragua, because such claims contravene accepted practice which calls for international recognition of a 12-nautical-mile territorial sea.

Gulf Sovereignty: The Salvadoran Viewpoint

(U) The Government of El Salvador since 1914 has consistently maintained that the Gulf's waters are indivisible. Various protests with respect to illegal presence in its "internal waters" or its "territorial sea" within the Gulf suggest that El Salvador claims a three-nautical-mile territorial sea within the Gulf; however, no map or document can be found which depicts such a claim.

(U) The question of El Salvador's water boundary is complicated by its century-old land boundary dispute with Honduras. One of the points in question is the exact terminus of the land boundary where the Goascoran River flows into the Gulf of Fonseca. Under the General Peace Treaty of October 1980, Honduras and El Salvador are committed to the resolution of their boundary dispute, including "the juridical status of islands and maritime areas after updating cartographic documents and reconnoitering areas if needed."

(U) Thus far, the two governments have made no progress in the resolution of land boundary issues; and seaward boundaries apparently will await the successful delimitation of a land boundary. Under Article 31 of the treaty, if the two sides cannot reach agreement at the end of five years, "in the subsequent six months they will proceed to negotiate and sign a pledge to jointly submit the existing conflict or conflicts to the International Court of Justice for decision." The pace at which the present negotiations are being carried out almost ensures that the case will go to the ICJ--despite the pressing need of both countries to resolve the issue.

(C) At present, the Salvadoran Constituent Assembly is in the process of preparing for the adoption of a new constitution. (El Salvador's 1962 Constitution, in Article 8, notes only that the "Gulf of Fonseca is an historic bay subject to a special regime.") One article of the new constitution will deal with sovereignty issues. Embassy San Salvador noted in March 1983:

"Several areas of controversy, including the regime which will govern the Gulf of Fonseca, have yet to be considered. Once negotiations are completed, the provisions will be

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incorporated into the Constitution as part of the same article establishing maritime sovereignty. The Assembly will then have to ratify the article as part of the Constitution. El Salvador is a very small nation that considers its territory as 'irreducible.' Any Constitutional provision which conceptually reduces that territory is politically extremely sensitive."

(U) Should El Salvador and Honduras come to an agreement on a water boundary in the Gulf, El Salvador will have to determine its water boundary with Nicaragua.

Sovereignty: The Honduran Viewpoint

(U) Honduras has never rejected its 1900 boundary with Nicaragua, even though the boundary does not appear on domestically produced maps. Article 10 of the 1982 Honduran Constitution notes: "The territories located on the mainland within its territorial limits, its inland waters and its islands, islets, and the cays in the Gulf of Fonseca which historically, geographically and legally belong to it, are part of Honduras."

(U) The disposition of Gulf waters other than as outlined in the 1900 delimitation are not clear. Honduras claims that El Salvador illegally occupies certain islands in the Gulf of Fonseca, the most important being Martin Perez, Meanguera, and Meanguerita. It would not be surprising if a final agreement on a Honduras-El Salvador boundary were paralyzed by this claim. It also would not be surprising if Honduras were to hold up a boundary agreement on this point in the hope that the ICJ might hold in its favor.

(C) Honduras may be unaware that even if it were to gain possession of the islands, and even if the waters of the Gulf were delimited by the equidistance method, it would still not have a "corridor" to the high seas. Nicaraguan and Salvadoran possession of the headlands at the mouth of the Gulf would, through the convergence of equidistance lines, truncate any Honduran territorial water claim. Honduras eventually may drop its island claims, but in return it likely would demand some sort of co-dominion to Gulf waters which would permit "unimpeded" access to the high seas.

(U) Sovereignty: The Nicaraguan Viewpoint

Until recently the Nicaraguan Government has held that the waters of the Gulf of Fonseca were divisible and that its boundary with Honduras was valid. The territorial provisions of Nicaragua's 1974 Constitution make no mention of the Gulf of Fonseca.

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Under the Sandinista regime, however, the Nicaraguan attitude toward Gulf sovereignty apparently has undergone a change. Managua now holds that:

--Foreign military bases in the Gulf of Fonseca should be prohibited.

--"The presence" of US warships in the Gulf of Fonseca "violates Nicaraguan sovereignty and constitutes a threat to [Nicaragua]"--in effect, the same argument used by El Salvador in its protest against the Bryan-Chamorro Treaty and rejected by Nicaragua in 1914.

--The Gulf of Fonseca "is under the jurisdiction of El Salvador, Honduras and Nicaragua, and the former two cannot overrule the desires of the latter."

In sum, Nicaragua seems to have reversed a traditional policy and to be coming down on the side of the 1917 decisions of the Central American Court of Justice in an effort to eliminate US naval or military presence in the Gulf.

(S/NF) Sovereignty: The US Viewpoint

Since February 1982, the US Joint Chiefs of Staff has restricted US activities in the Gulf, "until the legal and political issues are resolved," to the area encompassing "the El Salvador portion of the Gulf of Fonseca." The area itself was determined by use of the equidistance method or "median line." The "standoff" distance from the Nicaraguan Pacific Coast was set at a 12-nautical-mile minimum.

A combined US-Honduran Armed Forces exercise is scheduled for the period August 1983-January 1984. The JCS has not announced the guidance that will govern US military presence in Honduran waters. Nevertheless, given the unusual juridical status of the Gulf of Fonseca, and the slim hope for an early tripartite agreement on the delimitation of its waters, the US can expect a spate of legal "second-guessing" should an incident occur within the Gulf during the joint military exercise.

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Approved by C. Thomas Thorne
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Appendix

CHRONOLOGY OF SOVEREIGNTY QUESTIONS IN THE GULF OF FONSECA

1. 1821: Central American states accepted the general limits of Spanish colonial administrative units as their national frontier (the uti possidetis juris of 1821).
2. 1839: Federal Republic of Central America was dissolved. El Salvador, Honduras, and Nicaragua became independent republics.
3. 1850: Clayton-Bulwer Treaty (US-UK) provided for the possible construction of an interoceanic canal through Nicaragua. Article VI noted that other states would be invited to share in the canal's construction.
4. 1854: Guatemala, Costa Rica, and El Salvador lodged a formal complaint with Honduras protesting the proposed sale of Tigre Island in the Gulf of Fonseca to a US citizen.
5. 1854: Author Antonio Vallejo in Limites de Honduras (1926) claimed that Honduras held all islands in the Gulf of Fonseca without contradiction (sin contradiccion ninguna) through 1854.
6. 1864: Article XIV of the Treaty of Friendship, Commerce and Navigation between the US and Honduras provided for the preservation of the neutrality of the Interoceanic Railway of Honduras. The Pacific terminus of that railway was to have been on the Gulf of Fonseca.
7. 1884: In a note of October 21, 1913, from the Salvadoran Minister at Washington to the US Secretary of State, the Minister referred to a boundary convention of April 10, 1884, between El Salvador and Honduras. He noted that under Article 2, their maritime boundary began in the Pacific and terminated at the Goascoran River. This divided the maritime sovereignty of the Meanguera, Conchaguita, Martin Perez, and Punta Zacate islands of El Salvador and the Tigre, Zacate Grande, Inglesa, and Exposition islands of Honduras. The treaty was rejected by Honduras and cannot be found. Thus, references to this agreement are often misleading.
8. 1894: Gamez-Bonilla Treaty between Honduras and Nicaragua provided for commissioners to arbitrate the boundary dispute. A mixed boundary commission was appointed.
9. 1900: By March, the Honduras-Nicaragua Boundary Commission had completed the demarcation of the boundary between the

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Gulf of Fonseca and El Paraiso. (See INR/GE International Boundary Study No. 36, "Honduras-Nicaragua," October 12, 1964.)

10. 1901: Hay-Pauncefote Treaty (US-UK), "to facilitate the construction of a ship canal" in Central America, superseded the Clayton-Bulwer Treaty of 1850. The US thereby would be granted "the exclusive right of providing for the regulation and management of the canal."
11. 1913: US Navy Department Memorandum of December 3 stated, inter alia: "In view of the possibility of a canal being dug across Nicaragua at some future day, I beg leave to suggest the desirability of securing rights to use the Corn Islands and part of the Gulf of Fonseca as naval bases."
12. 1913: In a note of October 21, El Salvador officially protested to the US the possible Nicaraguan grant which would permit the United States to construct a naval base on Nicaraguan territory bordering the Gulf of Fonseca.
13. 1914: "The Convention Respecting a Nicaraguan Canal Route" (Bryan-Chamorro Treaty) was signed at Washington on August 5. Ratification occurred on June 24, 1916. Article II stated:

"The Government of Nicaragua further grants to the Government of the United States for a...period of ninety-nine years the right to establish, operate and maintain a naval base at such place on the territory of Nicaragua bordering upon the Gulf of Fonseca as the Government of the United States may select.... It being expressly agreed that the...naval base which may be maintained under the grant aforesaid shall be subject exclusively to the laws and sovereign authority of the United States during the terms of such...grant and of any renewal or renewals thereof."

14. 1916: Note from the Minister of Foreign Affairs of Honduras to the Minister of Foreign Affairs of El Salvador, dated September 30, claimed:

"My Government declares that the boundary made in the year nineteen hundred...by the Mixed Commission of Boundaries of Nicaragua and Honduras, to determine clearly the boundaries of their maritime frontiers, has from the moment that it was made been effective and valid, in the same manner as is the other of the boundary which was fixed by the above commission on land between the two Republics, and that at no time since the fixing of the above boundary has the Government of

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to Central American governments rejecting the findings of the Central American Court of Justice.

19. 1917: Honduras, Nicaragua, and El Salvador offered the US their cooperation in the war with Germany. Honduras offered to cooperate "in every way"; Nicaragua offered the US, "for the use of the present war, the ports and territorial waters of Nicaragua"; El Salvador permitted entrance into and use of El Salvador's ports and allowed that "American naval vessels would be treated in the same way as naval vessels of Salvador itself."
20. 1917: Decision of the Central American Court of Justice, March 9: The judges unanimously held that the Gulf of Fonseca was an historic bay possessed of the characteristics of a closed sea, and that the waters which form the entrance to the Gulf "intermingle." The judges also held, 4 to 1, that the establishment of a naval base would violate the right of coownership possessed by El Salvador in the Gulf of Fonseca and Article IX of the General Treaty of Peace and Amity of Central American States concluded at Washington in 1907.
21. 1920: US Navy Department Communication of February 28: "The General Board does not recommend that a naval base be constructed on Fonseca Bay in the near future."
22. 1926: US Department of State memorandum of conversation dated October 29: "It was the opinion of the Navy Department and of the General Board that the building of a naval base at this time was unnecessary and impracticable."
23. 1927: President Coolidge stated that conditions in Nicaragua "seriously threaten American lives and property, endanger the stability of all Central America, and put in jeopardy the rights granted by Nicaragua to the United States for the construction of a canal."
24. 1930: Statements of Latin American expert R. M. de Lambert, US Department of State, concerning the Gulf of Fonseca:

"...the Government of Honduras has never taken a definite stand as to whether [Gulf] waters were divided or undivided although it has refused to join El Salvador in its protest against the division of the waters and the granting of the naval base. We have no indication as to where the line ends between Nicaragua and Honduras." (Emphasis supplied.)
25. 1941: Office of the Geographer, US Department of State, noted that "El Salvador and Honduras have entered into no

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El Salvador ever given any objection to the validity of the same. The circumstances of not having made a boundary line between Honduras and Salvador in this Bay does not constitute a codomination and cosovereignty in the waters of Fonseca."

15. 1916: Note from the Minister of Foreign Affairs of El Salvador to the Minister of Foreign Affairs of Honduras, October 7, stated that with regard to the Salvadoran Government's objection to the Bryan-Chamorro Treaty:

"The arguments of which it treats, are relative to the codomination which Salvador considers that she has in the waters of the Gulf of Fonseca in community with Honduras and Nicaragua, and the reasons for her opposition to the giving of any portion or section of these waters for the establishing of a naval base which a foreign nation has the intention of establishing.

"My Government has no objection as to the validity of the [1900] treaty, nor to the marking of the boundaries fixing jurisdictions, between Honduras and Nicaragua, on the waters of the Gulf of Fonseca, in so far as it affects only the jurisdictions of those two Republics. For this reason we have had no reason for opposing any of these acts up until now. But it is not admissible, in any way, that our silence can be interpreted as a renunciation of our rights of coownership in an inheritance which, from time immemorial we have possessed and possess in this form, in union with Honduras and Nicaragua; and neither does that treaty and act of partition of this inheritance produce the effect of nullifying the rights of codomination which belong to Salvador in the waters of that Gulf, nor to impede the opposition to the stipulations which do not recognize these rights and which place in peril the national security."

16. 1916: El Salvador and Costa Rica presented the International Court of Justice with protests to the Bryan-Chamorro Treaty.
17. 1916: The Government of Honduras in December protested to El Salvador the latter's contention that the Gulf was indivisibly and jointly owned by the three republics. At the time it was considered that this protest indicated that Honduras shared Nicaragua's view that proprietorship of the territorial waters of the Gulf was held severally and not jointly.
18. 1917: The Government of Nicaragua in December notified the US Department of State that it had sent a circular letter

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at Managua, July 14, 1970. It was ratified by the US Senate on February 17, 1971. Noted therein: "All the rights and options that the 1914 Convention accorded to the United States of America shall cease to have effect as of the date this convention enters into force."

35. 1974: Constitution of the Republic of Nicaragua, Chapter I, Article 3:

"The national territory extends...from the Atlantic to the Pacific Ocean and from the Republic of Honduras to the Republic of Costa Rica. It also includes within the same status the adjacent islands, keys, headlands, banks, the submerged lands, the territorial sea and the continental shelf, as well as the air space, the stratosphere, and the entire undersea area of its sovereign domain according to international law."

36. 1979: By decree of December 19, 1979, Nicaragua declared a 200-nautical-mile territorial sea.

37. 1980: El Salvador-Honduras General Peace Treaty, Article 18, point 4, noted that the Joint Boundary Commission was "to determine the juridical status of islands and maritime areas." It must (Article 21, point 4) "determine the juridical status of islands and maritime areas after updating cartographic documents and reconnoitering areas if needed." Article 31 noted that, if no agreement was reached at the end of the five-year period covered by the treaty: "In the subsequent six months [El Salvador and Honduras] will proceed to negotiate and sign a pledge to jointly submit the existing conflict or conflicts to the International Court of Justice for decision."

38. 1981: Managua's El Nuevo Diario of August 26:

"The building of a US naval base in the Gulf of Fonseca is one more instance in a long list of aggressions by US imperialism against our sovereignty. ...As that prominent figure Luis Pasos Arguello affirms, the Gulf of Fonseca is under the jurisdiction of El Salvador, Honduras and Nicaragua, and the former cannot overrule the desires of the latter."

39. 1982: Constitution of the Republic of Honduras, Chapter I, Article 10: "The territories located on the mainland within its territorial limits, its inland waters and its islands, islets, and the cays in the Gulf of Fonseca which historically belong to it, are part of Honduras. ...The Gulf of Fonseca may be put under a special regime." (Emphasis supplied.)

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