



Washington, D.C. 20520

June 23, 1983

TO: Ambassador Pickering  
FROM: INR/GE - J. Millard Burr *JMBurr*  
SUBJECT: El Salvador-Honduras Boundary Issue

We have attached a short precis which addresses the problem of the El Salvador-Honduras boundary on land and in the Gulf of Fonseca.

Attachment:

As stated.

*✓  
GON-17*

cc: ARA/CEN - Mr. Romero ✓  
INR - Mr. Thorne  
INR/IAA - Mr. Knepper

INR/GE:JMBurr:bjm

## EL SALVADOR-HONDURAS BOUNDARY

Although efforts were undertaken to delimit the El Salvador-Honduras boundary (1880, 1886, 1895, 1918, 1962) it can be claimed that no actual delimitation document had been agreed upon by both States until 1980.

Traditional boundaries exist. They generally follow the colonial boundaries of Spain's Central American possessions. The most noteworthy and unchallenged segments exist on either side of the Goascaran, Torola, Lempa and Sempul Rivers.

On various occasions efforts were made to demarcate portions of the boundary (1861, 1869, 1881, 1889). As is the case with boundary delimitation, no document existed that expressed official agreement as to the location of, or agreement on, boundary markers. The El Salvador-Honduras General Peace Treaty of October 1980 calls for the demarcation not only of those portions of the boundary in dispute, but redemarcation of the boundary considered free of dispute.

### Background to the 1980 Treaty:

Honduras has consistently claimed that a boundary must be based on the uti possidetis juris of 1821; i.e., that land possessed by the colonial Provinces of Honduras and El Salvador were, in turn, possessed by the newer independent Republics of Honduras and El Salvador. The question of archaic maps and questionable territorial limits has been the cause of numerous Latin American disputes.

### Honduras claims that:

1. At six points along its border El Salvador has taken possession of land either located north of a colonial river boundary, or land actually owned by a Honduras municipality. (Note map, following page.) Citizens of El Salvador purchased Honduran municipal lands (ejidos) which led in turn to the de facto possession of Honduran territory. In the past, Honduras has not objected to the purchase of the lands, but it claims it retains sovereignty by virtue of municipal ownership and by dint of the principal of uti possidetis juris.
2. The location of the Honduras-El Salvador-Guatemala tripoint, although legally fixed through the Guatemala-Honduras arbitral award of 1933, did nothing to determine the question of territorial ownership of land adjacent to the tripoint itself. Honduras has claimed that El Salvador illegally occupies approximately 50 square kilometers of land in the region.
3. The location of the El Salvador-Honduras boundary terminus in the Gulf of Fonseca should be located at the debouchment of the Goascaran River at the Conchagua inlet.

4. That all islands facing the southeast coast of El Salvador in the Gulf of Fonseca rightly belong to Honduras. They can point to important historical incidents that occurred on the islands in the 1840s when the islands seemed to be in the possession of Honduras; however, there appears to be no mention in colonial times of actual ownership. It seems that the islands were occupied by Salvadoreans some time after 1860; by 1916 El Salvador was considering the emplacement of a penal colony on one of the islands then occupied by citizens of El Salvador. It has generally been assumed that Honduras has claimed all the islands facing El Salvador; however, a 1960 study undertaken by a Honduran claimed that Conchaguita Island had never been claimed by Honduras. (Note Map, following page.)

El Salvador claims that:

The actual debouchment of the Goascaran River lies further east than the present de facto boundary. It disputes, of course, all Honduran claims to territory in dispute.

Opinions:

1. The land boundary dispute is by far the most difficult problem to resolve because both sides are probably prepared to provide a mountain of paper and a bushel of maps to prove a point. The land boundary is not, however, the most crucial element of the 1980 Treaty. The possession of islands, and the potential for a limits in the sea agreement in the Gulf of Honduras is by far a more important strategic consideration.

2. As it now stands, if the equidistance method is employed to determine coastal waters, El Salvador and Nicaraguan possession of headlands to the Gulf of Fonseca prevent Honduras from having a corridor to the high seas. Even if El Salvador were to cede its possession of Meanguera Island, Honduras would still be "locked in" the Gulf of Honduras. The Government of Honduras may not be aware of this fact.

3. In 1914, by a "Convention Respecting a Nicaraguan Canal Route" signed by a representatives of the USA and Nicaragua, the US obtained a 99 year right to the establishment, operation, and maintenance of a naval base on the Gulf of Fonseca. (Treaty terminated in 1970.) This right was bitterly attacked by El Salvador. Since 1913 the Government of El Salvador has maintained that sovereignty and jurisdiction over the Gulf of Fonseca are vested jointly in the Republics of El Salvador, Honduras and Nicaragua, and not divided among those three countries. The Central American Court of Justice held in 1917 that the Gulf of Fonseca was "a historical bay" and a "closed sea", and further declared that the grant for "a naval base in the

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Gulf of Fonseca threatens the national safety of El Salvador and violates their rights of joint ownership in the waters of said Gulf."

The Government of Nicaragua denied the jurisdiction of the Court and ignored and rejected the judgment rendered against it. Honduras has refrained from taking a stand regarding whether the Gulf is held jointly or severally by bordering states.

4. It is highly unlikely that Nicaragua will relinquish its territorial claim in the Gulf of Fonseca. It now protests any violation of its "territorial waters" in the Gulf (UN Security Council S/15719, 21 April 1983). With regard to El Salvador, the land boundary negotiations are moving slowly and to our knowledge the question of the maritime regime to cover the Gulf of Fonseca is yet to be considered. It also appears that a new Constitution is in the process of being written in El Salvador, and it is felt that its promulgation will await conclusion of the maritime problem.

5. In contrast to previous El Salvador Constitutions which noted that the waters of the Gulf were the undivided property of El Salvador, Honduras and Nicaragua, its Constitution of 1950 claimed only that "The Gulf of Fonseca is an historic bay subject to a special arrangement." This point was reiterated in its currently active Constitution of 1962. With regard to Honduras it is known that in August 1981 the Honduras Ministry of Foreign Relations was searching for material that would permit it, "to propose in the near future, an outline for a possible juridical statute for the Gulf". It is believed that their search came to nothing, for its Constitution of 1982 mentions only that "The Gulf of Fonseca may be put under a special regime." Thus, there appears to be room to negotiate a territorial waters arrangement if both El Salvador and Honduras feel that it is no longer feasible to claim that the waters of the Gulf appertain, indivisibly, to all three States.

#### Conclusion:

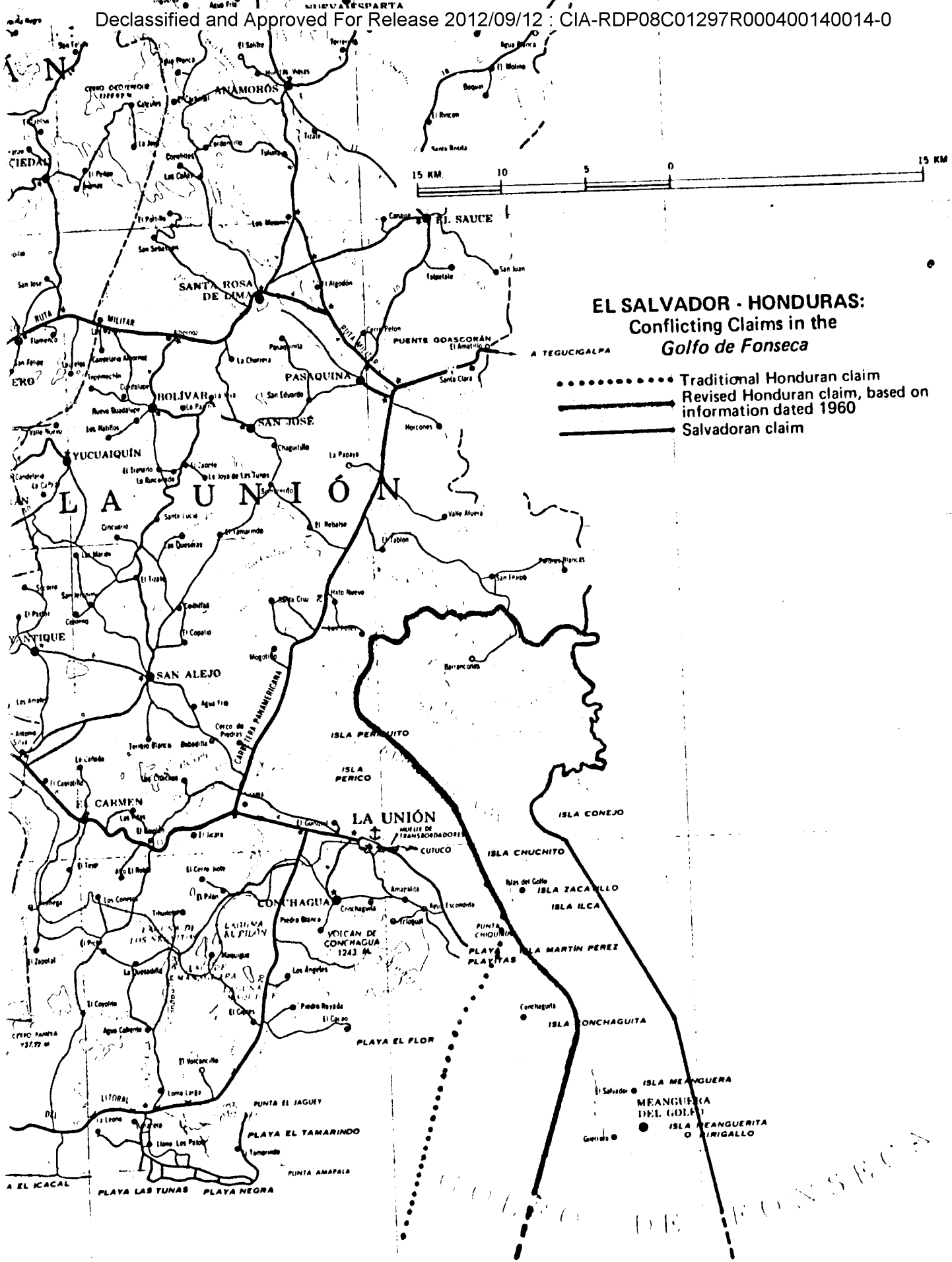
It is possible that El Salvador could strike an easy bargain with regard to land in dispute if it were willing to give up something at sea in exchange. It might consider:

1. Giving up a corridor west of Meanguera Island which would provide Honduran unimpeded access to the sea. (By doing so, Nicaraguan vessels would have to pass through Honduras' territorial sea to reach El Salvador's territorial sea within the Gulf of Fonseca.)

2. It might consider some form of joint use of waters not claimed by Nicaragua, with both States having the same legal rights in the dual portion of the Gulf.

3. Relinquishment of one or more islands. As noted, however, this would not eliminate the Honduras' problem of being "locked in" unless some other form of partition or equal sharing were agreed upon.

INR/GE:JMBurr:bjm  
6/23/83



**EL SALVADOR - HONDURAS:  
Conflicting Claims in the  
Golfo de Fonseca**

- ..... Traditional Honduran claim
- Revised Honduran claim, based on information dated 1960
- Salvadoran claim

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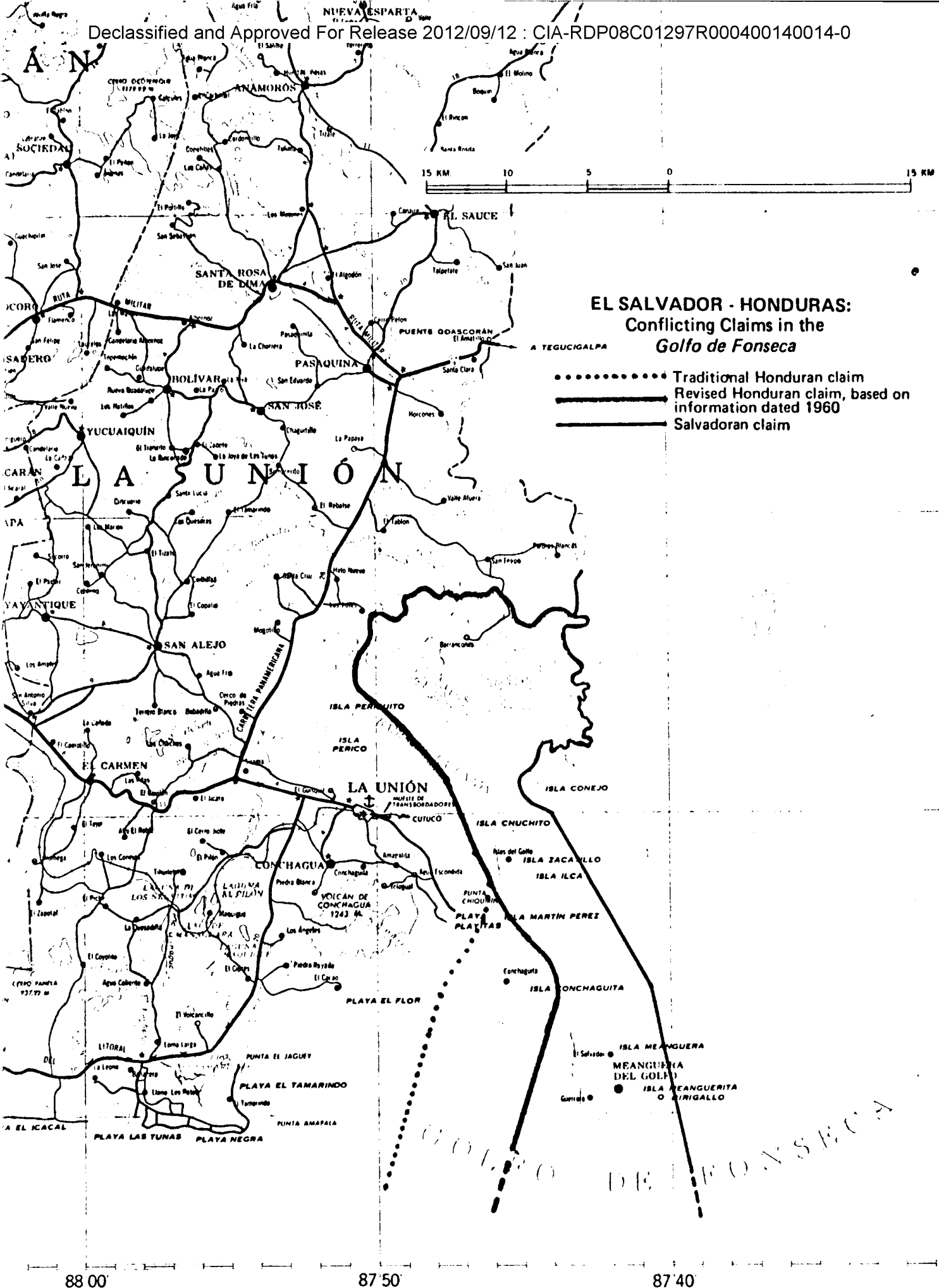
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Declassified and Approved For Release 2012/09/12 : CIA-RDP08C01297R000400140014-0



Boundary sections to be demarcated under the General Peace Treaty: El Salvador-Honduras, October 30, 1980.

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