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AIRGRAM

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POL 32-6 SWAN
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A-94

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HANDLING INDICATOR

TO : DEPARTMENT OF STATE

INFO: Amembassy BUENOS AIRES
Amembassy MANAGUA

FROM : Amembassy TEGUCIGALPA

DATE: June 8, 1969

SUBJECT: Swan Islands

REF : Tegucigalpa A-52 POL 33-5 HOND-NG
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1. The Argentine Ambassador, Carlos Ferro, told me that he was preparing a study of the legal bases of the Swan Islands case. This was relatively easy for him in view of the work that he had done on the Malvinas (Falkland Islands) dispute as there were at least certain similarities. The Argentine case, however, was much stronger than that of Honduras as it was based not only on discovery and possibly merely sighting but actually on colonization by Spanish and direct control exercised in Spanish times.

2. Ambassador Ferro said that while he understood our desire to reach an accommodation with Honduras and while as a Latin he sympathized with Honduran aspirations, at the same time he trusted that we would look into any arrangement with our eyes open as to its long term effects. By this he meant not so much the precedent in regard to other disputed territories as the side effects which would take place if the Swan Islands became Honduran territory. The Islands, according to him, are surrounded by shoals and other shallow water which, according to Article 5, paragraph 3 of the Honduran Constitution, would belong to Honduras up to a depth of 200 meters. This area might be quite extensive and might affect petroleum and other underwater rights. The Ambassador said we should also recognize that Honduras would probably sooner or later follow the example of most other Latin American countries and declare its jurisdiction over an area extending 200 miles from its coasts. The U.S. should also therefore keep in mind the possible effects of extending Honduran jurisdiction over an area 200 miles around the Swan Islands.

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FORM 4-62 DS-323

Drafted by: AMB:JJJova:ajh:6/6/69

Contents and Classification Approved by:

Clearances:

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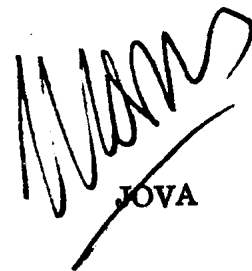
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3. COMMENTS:

a. It was not clear whether Ambassador Ferro thought that Article 5, paragraph 3, of the Honduran constitution relates only to the submarine platform when below water of less than 200 meters depth (it does), or whether he assumed that it also implied a claim to such superadjacent waters beyond the 12 mile limit (it does not). Ambassador Ferro may have had in mind debates which took place within the Argentine Government in 1966 prior to Argentina's public claim to a 200 mile limit. The Argentines had been considering claiming as territorial sea all waters above the continental shelf out to a depth of 200 meters, regardless of the number of nautical miles this might extend from the shore.

b. We have had no recent indications that the Honduran Government is reconsidering its present territorial sea limit of 12 miles. A constitutional amendment would be required to change the limit. However, if more Latin Americans climb on the 200 mile limit bandwagon, especially if Nicaragua or Guatemala do so, there would be considerable pressure on the Honduran Government to follow suit in order to protect its interests in marine and subsoil resources along its common frontiers with its neighbors. In this regard we understand oil was found recently off Quita Sueño Cay (claimed by Nicaragua) and exploratory drilling is under way off Cape Gracias a Dios (refair).


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