

**Security Council**

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Letter dated 3 December 2012 from the Permanent Representative of Honduras to the United Nations addressed to the President of the Security Council

On instructions from my Government, and further to the note verbale dated 24 October 2012 (see S/2012/797), I have the honour to write to you in your capacity as President of the Security Council to transmit the letter dated 3 December 2012, which sets out the negotiating position of the Government of the Republic of Honduras in relation to the projection of Honduras's maritime spaces into the Pacific Ocean, which is based on the judgment of the International Court of Justice of 11 September 1992 in the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* (see annex), and request you to bring the letter to the attention of the members of the Security Council and to circulate this letter and its annex as a document of the Council.

(Signed) Mary E. Flores
Ambassador
Permanent Representative



Annex to the letter dated 3 December 2012 from the Permanent Representative of Honduras to the United Nations addressed to the President of the Security Council

[Original: English/Spanish]

Sir,

Further to my letter dated 24 October 2012 (see S/2012/797), I have the honour to request you to circulate, as a document of both the Security Council and the General Assembly, the note verbale dated 30 November 2012 which was sent to the Ministry of Foreign Affairs of El Salvador, together with the negotiating position of Honduras in relation to the projection of Honduras's maritime spaces into the Pacific Ocean, a proposal that will be discussed at the Summit of Heads of State of El Salvador, Nicaragua and Honduras, scheduled to take place in Managua, Nicaragua, on Tuesday, 4 December 2012 (see enclosure).

This proposal is consistent with and is based on the judgment of the International Court of Justice of 11 September 1992 (*Land, Island and Maritime Frontier Dispute between El Salvador and Honduras: Nicaragua intervening*), which contains the following paragraph:

“*Decides* that the legal situation of the waters outside the Gulf is that, the Gulf of Fonseca being an historic bay with three coastal States, the closing line of the Gulf constitutes the baseline of the territorial sea; the territorial sea, continental shelf and exclusive economic zone of El Salvador and those of Nicaragua off the coasts of those two States are also to be measured outwards from a section of the closing line extending 3 miles (1 marine league) along that line from Punta Amapala (in El Salvador) and 3 miles (1 marine league) from Punta Cosigüina (in Nicaragua) respectively; but entitlement to territorial sea, continental shelf and exclusive economic zone seaward of the central portion of the closing line appertains to the three States of the Gulf, El Salvador, Honduras and Nicaragua; and that any delimitation of the relevant maritime areas is to be effected by agreement on the basis of international law;”.

As you may observe, the Court's decision recognizes that Honduras, together with El Salvador and Nicaragua, is entitled to an extension of maritime spaces in the Pacific Ocean consisting of territorial sea, continental shelf and exclusive economic zone. It is not a question of “access” to the Pacific Ocean with rights of innocent passage for commercial or public vessels, as claimed by an official spokesperson of the Government of El Salvador, because that entitlement is already guaranteed to Honduras under the United Nations Convention on the Law of the Sea and also in its capacity as a coastal State of the historic Gulf of Fonseca, whose undelimited waters — including the closing line or mouth of the Gulf — are subject to a joint sovereignty regime.

I hereby request you, in your capacity as President of the specific United Nations organ responsible for ensuring the maintenance of international peace and security and compliance with the judgments of the International Court of Justice, to take due note of this letter.

(Signed) Arturo **Corrales Álvarez**
Secretary of State

Enclosure**Note verbale dated 30 November 2012 from the Ministry of Foreign Affairs of Honduras addressed to the Ministry of Foreign Affairs of El Salvador**

The Ministry of Foreign Affairs of the Republic of Honduras presents its compliments to the Ministry of Foreign Affairs of the Republic of El Salvador and, based on the talks that have been held in connection with the summit scheduled to take place in Managua on Tuesday, 4 December 2012, is pleased to enclose its negotiating position, consisting of criteria and cartographic illustrations,¹ which is transmitted in a constructive spirit, in good faith and with a view to seeking the most equitable consensuses regarding both the projection into the Pacific Ocean of the maritime spaces of the three coastal States and the establishment of a climate of peace, confidence and development for the 1 million Central Americans who inhabit the coast of the Gulf of Fonseca.

As for the management and comprehensive development of the Gulf of Fonseca, Honduras continues to take the position that international cooperation, particularly from the United Nations and friendly States, should be directed to establishing a regime to protect the environment, facilitate international maritime transport and ensure security for all inhabitants, in the context of a trinational authority that takes into account the interests of States, the inhabitants and the international community.

The Ministry of Foreign Affairs takes this opportunity to convey to the Ministry of Foreign Affairs of the Republic of El Salvador the renewed assurances of its highest consideration.

¹ See attached documents.

Negotiating position of Honduras

Proposal, based on equitable criteria for an equitable outcome, regarding the projection into the Pacific Ocean of the maritime spaces of the three coastal States of the Gulf of Fonseca

1. As a starting point, each State shall have a sector of exclusive sovereignty that extends outwards along three nautical miles of the closing line or mouth of the Gulf: in the case of Nicaragua, measured from Punta Cosigüina; in the case of El Salvador, measured from Punta Amapala; and in the case of Honduras, measured from the midpoint of the closing line, extending one and a half miles towards Punta Cosigüina on one side, and one and a half miles towards Punta Amapala on the other side.
2. The portion of the closing line not attributed to the Parties in the previous paragraph shall be divided among the coastal States by negotiation and in proportion to the length of their coastlines within the Gulf.
3. The projection of the territorial sea of each coastal State shall follow the general direction of the coasts of Central America.
4. The orientation and extent of the exclusive economic zone and continental shelf of each State shall be determined by negotiation among the Parties within a time period of one year.
5. The attached figure shows the projection of Honduras's territorial sea into the Pacific Ocean in accordance with the above criteria.
6. With regard to the bilateral issue with El Salvador, Honduras reiterates the need to delimit the Bay of La Unión within the Gulf by applying the criterion of equidistance from the opposing coasts.

