

INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

**CASE CONCERNING THE LAND, ISLAND
AND MARITIME FRONTIER DISPUTE**

(EL SALVADOR/HONDURAS: NICARAGUA intervening)

VOLUME VI

Written Statement of Nicaragua; Written Observations of El Salvador
and Honduras; Documents; Oral Arguments



COUR INTERNATIONALE DE JUSTICE

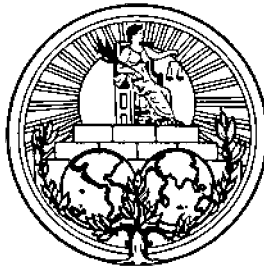
MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

**AFFAIRE DU DIFFÉREND FRONTALIER
TERRESTRE, INSULAIRE ET MARITIME**

(EL SALVADOR/HONDURAS; NICARAGUA (intervenant))

VOLUME VI

Déclaration écrite du Nicaragua; observations écrites d'El Salvador
et du Honduras; documents; procédure orale



**OBSERVATIONS OF EL SALVADOR
ON THE WRITTEN STATEMENT OF NICARAGUA**

1. In accordance with the Order of the Chamber, dated 13 September 1990, the Government of El Salvador wishes to present and register the following observations in respect of the written Declaration of 14 December 1990, presented by Nicaragua during the current proceedings, whereby it was considered necessary "to inform the Chamber of its claims so that the decision of the Chamber be confined to those areas in which Nicaragua has no claims".

2. Concerning the opinion expressed by Nicaragua, El Salvador manifests its total agreement with paragraph 35 of the Declaration, inasmuch as the rights of Nicaragua and El Salvador over the waters and platform within the Gulf exist *ipso facto* and *ab initio* by virtue of their sovereignty over the land. El Salvador and Nicaragua share a common frontier in the waters of the Gulf. This is indisputable and results from a simple observation of the geographical position of both countries.

3. The Government of El Salvador also expresses its total agreement with the views expressed by the Government of Nicaragua in paragraphs 45, 46 and 47 of its Declaration relative to the delimitation of the land and sea borders of the latter country, undertaken with Honduras in 1900. On the other hand, the Government of El Salvador wishes to emphasize the fact that the decision of the Central American Court of Justice recognized the delimitation between Honduras and Nicaragua effected on the basis of the Gámez-Bonilla Treaty of that same year, and that such delimitation and demarcation was definitive. In other words there remained no other land or maritime areas between the two countries which would require subsequent delimitation. As the aforementioned Treaty is clear and precise, which was expressed by Nicaragua in paragraph 49, and since the sovereignty of El Salvador over the islands of Meanguera and Meanguerita which form an integral part of El Salvador as stated by Nicaragua is indisputable, it is therefore unquestionable that "... there is no basis for any further delimitation involving Honduras in the Gulf ...".

The Government of El Salvador does not consider it pertinent to enter into discussions with Nicaragua as to the basis or bases on which a possible delimitation could be effected.

The Government of El Salvador wishes to point out that, in paragraph 52 of its written Declaration, Nicaragua expresses its opinion with regard to the delimitation outside the Gulf of Fonseca in terms which indicate that Nicaragua shares the point of view of El Salvador in the sense that such delimitation is a matter exclusively between El Salvador and Nicaragua. The Government of El Salvador welcomes this confirmation of the position taken throughout the present case and affirms its belief that such delimitation is a matter which can only be received by agreement between El Salvador and Nicaragua on the basis of international law.

4. At the same time, regarding Nicaragua's expressed point of view with respect to delimitation within the Gulf, the Government of El Salvador must take the strictest reservations. Nicaragua was not granted the right to intervene in the question of delimitation within the Gulf.

5. Concerning the observations made by Nicaragua in respect of the legal status of the waters within the Gulf of Fonseca, El Salvador's position will be

amplified in due course during the verbal proceedings. At the same time, the Government of El Salvador would like to reserve its position generally with regard to the posture of Nicaragua relating to the interpretation, legal effect and subsequent consequences of the decision of the Central American Court of Justice, as well as the denial by Nicaragua that the waters of the Gulf of Fonseca are subject to a condominium.

(Signed) Alfredo MARTÍNEZ MORENO,
Agent.

The Hague, The Netherlands, 14 March 1991.

(Signed) Roberto Arturo CASTRILLO HIDALGO,
Ambassador and Co-Agent of El Salvador.
