

No. 21801

**UNITED STATES OF AMERICA
and
COLOMBIA**

**Treaty concerning the status of Quita Sueño, Roncador and
Serrana (with exchanges of notes). Signed at Bogotá on
8 September 1972**

Authentic texts: English and Spanish.

Registered by the United States of America on 31 March 1983.

**ÉTATS-UNIS D'AMÉRIQUE
et
COLOMBIE**

**Traité relatif aux statuts de Quita Sueño, de Roncador et de
Serrana (avec échanges de notes). Signé à Bogotá le
8 septembre 1972**

Textes authentiques : anglais et espagnol.

Enregistré par les Etats-Unis d'Amérique le 31 mars 1983.

TREATY¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA CONCERNING THE STATUS OF QUITA SUEÑO, RONCADOR AND SERRANA

The President of the United States of America and the President of the Republic of Colombia,

Desirous of settling the long-standing questions concerning the status of Quita Sueño, Roncador and Serrana, with respect to which the Governments of the two countries agreed to maintain the status quo through an Exchange of Notes signed at Washington on April 10, 1928,

Have designated their plenipotentiaries, to wit:

The President of the United States of America: The Ambassador Extraordinary and Plenipotentiary to Colombia, Mr. Leonard J. Saccio;

The President of the Republic of Colombia: The Minister of Foreign Affairs, Doctor Alfredo Vázquez Carrizosa;

who, after exchanging full powers and finding them to be in good and due form,

Have agreed as follows:

Article 1. In accordance with the terms of this Treaty, the Government of the United States of America hereby renounces any and all claims to sovereignty over Quita Sueño, Roncador and Serrana.

Article 2. In recognition of the fact that nationals and vessels of Colombia and the United States are at the present time engaged in fishing in the waters adjacent to Quita Sueño, both Governments agree that in the future there shall be no interference by either Government or by its nationals or vessels with the fishing activities of nationals and vessels of the other in this area.

Article 3. The Government of the Republic of Colombia further agrees that with respect to Roncador and Serrana it will guarantee to nationals and vessels of the United States a continuation of fishing in the waters adjacent to these cays with no limitation except as provided in the accompanying letter on fishing rights.

Article 4. The provisions of Articles 2 and 3 above relating to fishing shall be subject to any obligations accepted by both Governments under the terms of the accompanying notes on fishing rights and any existing or future international agreement pertaining to fishing or related matters.

Article 5. Each Government agrees that it will not, except in agreement with the other Government, enter into any agreement with a State not party to the present Treaty, by means of which the rights guaranteed nationals and vessels of the other party under this Treaty would be affected or impaired.

Article 6. Provisions concerning the navigational aids on Quita Sueño, Roncador and Serrana shall be set forth in a separate exchange of notes to be concluded by the parties to this Treaty.

¹ Came into force on 17 September 1981 by the exchange of the instruments of ratification, which took place at Bogotá, in accordance with article 8.

Article 7. The present Treaty shall not affect the positions or views of either Government with respect to the extent of the territorial sea, jurisdiction of the coastal state over fisheries, or any other matter not specifically dealt with in this Treaty.

Article 8. The present Treaty shall enter into force upon the exchange of instruments of ratification thereof at Bogotá and shall thereupon terminate the exchange of notes signed at Washington on April 10, 1928.

Article 9. The present Treaty shall remain in force indefinitely unless terminated by agreement of both Governments.

IN WITNESS WHEREOF the undersigned have signed this Treaty in duplicate, in the Spanish and English languages, at Bogotá this 8th day of September, 1972.

For the Government
of the United States of America:

[Signed]

LEONARD J. SACCIO
Ambassador Extraordinary
and Plenipotentiary

For the Government
of the Republic of Colombia:

[Signed]

ALFREDO VÁZQUEZ CARRIZOSA
Minister of Foreign Affairs

Artículo 6. Las disposiciones relativas a las ayudas a la navegación existentes en Quitasueño, Roncador y Serrana determinadas*, en un canje de notas separado entre las altas partes contratantes de este Tratado.

Artículo 7. El presente Tratado no afectará las posiciones u opiniones de ninguno de los dos Gobiernos con respecto a la extensión del Mar Territorial, a la jurisdicción del Estado ribereño en materia de pesca o a cualquier otro asunto no contemplado específicamente en este Tratado.

Artículo 8. El presente Tratado deberá entrar en vigencia en el momento del canje de instrumentos de ratificación del mismo en Bogotá y derogará inmediatamente el canje de notas firmadas en Washington el 10 de abril de 1928.

Artículo 9. El presente Tratado tendrá una vigencia indefinida, a menos de que sea terminado por medio de un acuerdo entre ambos Gobiernos.

EN TESTIMONIO DE LO CUAL los suscritos han firmado este Tratado por duplicado, en los dos idiomas español e inglés, en Bogotá el día 8 de septiembre de 1972.

Por el Gobierno
de los Estados Unidos de América:

[Signed — Signé]

LEONARD J. SACCIO
Embajador Extraordinario
y Plenipotenciario

Por el Gobierno
de la República de Colombia:

[Signed — Signé]

ALFREDO VÁZQUEZ CARRIZOSA
Ministro de Relaciones Exteriores

EXCHANGES OF NOTES — ÉCHANGES DE NOTES

I

No. 694

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the treaty signed today between the Government of the United States of America and the Government of the Republic of Colombia concerning the status of Quita Sueño, Roncador and Serrana to replace the exchange of notes signed between our two governments on April 10, 1928. In this connection the Government of the United States wishes to reaffirm to the Government of the Republic of Colombia its legal position respecting Article 1 of that Treaty. That legal position is as follows:

Quita Sueño, being permanently submerged at high tide, is at the present time not subject to the exercise of sovereignty. The Government of the United States notes that the 1928 Treaty and Protocol between the Government of the Republic of Colombia and the Government of the Republic of Nicaragua¹ specifically provide that the Treaty does not apply to Quita Sueño, Roncador and Serrana, sovereignty over which was recognized as being in dispute

* Should read "serán determinadas" — [Devrait se lire « seront déterminadas »].

¹ League of Nations, *Treaty Series*, vol. CV, p. 337.

between the United States and Colombia. The Government of the United States further notes that under the terms of its exchange of notes with the Government of the Republic of Colombia of April 10, 1928, it was recognized at that time that sovereignty over Quita Sueño was claimed by both the United States and Colombia and it was agreed that the status quo in respect of the matter should be maintained.

The Government of the United States understands the legal position of the Government of the Republic of Colombia to be as follows:

The physical status of Quita Sueño is not incompatible with the exercise of sovereignty. In the view of the Government of the Republic of Colombia, the stipulations of the Treaty between Colombia and Nicaragua of March 24, 1928 and the protocol of exchange of ratifications of May 10, 1930* recognized Colombia's sovereignty over the islands, islets and cays that make up the archipelago of San Andres and Providencia east of the 82 meridian of Greenwich, with the exception of the cays of Roncador, Quita Sueño and Serrana, the sovereignty of which was in dispute between the United States and the Republic of Colombia. Therefore, with the renunciation of sovereignty by the United States over Quita Sueño, Roncador and Serrana, the Republic of Colombia is the only legitimate title holder on these banks or cays, in accordance with the aforementioned instruments and international law.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Colombia the assurances of its highest consideration.

Embassy of the United States of America

Bogotá, September 8, 1972

II

[SPANISH TEXT — TEXTE ESPAGNOL]

REPÚBLICA DE COLOMBIA
MINISTERIO DE RELACIONES EXTERIORES

DM 484

El Ministerio de Relaciones Exteriores saluda atentamente a la Honorable Embajada de los Estados Unidos de América y tiene el honor de referirse al Tratado firmado en el día de hoy entre los Gobiernos de los Estados Unidos de América y de la República de Colombia relativo a la situación de Quitasueño, Roncador y Serrana, con el objeto de substituir el canje de notas firmadas entre ambos Gobiernos el 10 de Abril de 1928. A este respecto el Gobierno de Colombia desea confirmar al Gobierno de los Estados Unidos que su posición legal respecto al Artículo 1 de dicho Tratado es la siguiente:

La condición física de Quitasueño no es incompatible con el ejercicio de soberanía. En concepto del Gobierno de la República de Colombia, las

* Treaty signed March 24, 1928, and Protocol of exchange of ratifications signed May 5, 1930.

estipulaciones del Tratado entre Colombia y Nicaragua del 24 de Marzo de 1928 y el Acta de Canje de Ratificaciones del 10 de Mayo de 1930* le reconocieron a la República de Colombia la soberanía sobre las islas, islotes y cayos que integran el Archipiélago de San Andrés y Providencia, al Este del Meridiano 82 de Greenwich con excepción de los Cayos de Roncador, Quitasueño y Serrana cuya soberanía estaba en litigio entre los Estados Unidos y la República de Colombia. Por tanto, una vez retirada toda reclamación de soberanía de los Estados Unidos respecto de Quitasueño, al mismo tiempo que de Roncador y Serrana, la República de Colombia es el único titular legítimo en tales cayos o bancos según los mencionados instrumentos y el Derecho Internacional.

El Gobierno de Colombia está informado de la posición legal del Gobierno de los Estados Unidos que es la siguiente:

“Quitasueño, que está permanentemente sumergido en la alta marea no está sometido en la actualidad al ejercicio de soberanía. El Gobierno de los Estados Unidos observa que el Tratado y el Acta de 1928 entre el Gobierno de Colombia y el Gobierno de Nicaragua disponen específicamente que el Tratado no se aplica a Quitasueño, Roncador y Serrana, la soberanía de los cuales se reconoció que ha estado en litigio entre Colombia y los Estados Unidos. El Gobierno de los Estados Unidos, observa, además que según los términos de su canje de notas con el Gobierno de Colombia con fecha del 10 de Abril de 1928 se reconoció que en ese entonces la soberanía sobre Quitasueño era objeto de reclamaciones por parte de los Gobiernos de Colombia y de los Estados Unidos y se convino en que debía mantenerse el statu quo al respecto”.

El Ministerio de Relaciones Exteriores expresa a la Honorable Embajada de los Estados Unidos de América su alta consideración.

[TRANSLATION¹ — TRADUCTION²]

REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN AFFAIRS

DM 484

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to refer to the Treaty signed today between the Governments of the United States of America and the Republic of Colombia concerning the status of Quita Sueño, Roncador and Serrana to replace the exchange of notes signed between the two governments on April 10, 1928. In this connection the Government of Colombia wishes to reaffirm to the Government of the United States that its legal position respecting Article 1 of that Treaty is as follows:

The physical status of Quita Sueño is not incompatible with the exercise of sovereignty. In the view of the Government of the Republic of Colombia,

* Treaty signed March 24, 1928, and Protocol of exchange of ratifications signed May 5, 1930 — *Traité signé le 24 mars 1928 et Protocole d'échange des ratifications signé le 5 mai 1930.*

¹ Translation supplied by the Government of the United States.

² Traduction fournie par le Gouvernement des Etats-Unis.

the stipulations of the Treaty between Colombia and Nicaragua of March 24, 1928, and the Protocol of exchange of ratifications of May 10, 1930,* recognized Colombia's sovereignty over the islands, islets and cays that make up the Archipelago of San Andrés and Providencia east of the 82nd meridian of Greenwich, with the exception of the cays of Roncador, Quita Sueño, and Serrana, the sovereignty of which was in dispute between the United States and the Republic of Colombia. Therefore, with the renunciation of sovereignty by the United States over Quita Sueño, Roncador, and Serrana, the Republic of Colombia is the only legitimate title holder on those banks or cays, in accordance with the aforementioned instruments and international law.

The Government of Colombia understands the legal position of the Government of the United States to be as follows:

Quita Sueño, being permanently submerged at high tide, is at the present time not subject to the exercise of sovereignty. The Government of the United States notes that the 1928 Treaty and Protocol between the Government of Colombia and the Government of Nicaragua specifically provide that the Treaty does not apply to Quita Sueño, Roncador, and Serrana, sovereignty over which was recognized as being in dispute between Colombia and the United States. The Government of the United States further notes that under the terms of its exchange of notes with the Government of Colombia on April 10, 1928, it was recognized at that time that sovereignty over Quita Sueño was claimed by the Governments of both Colombia and the United States and it was agreed that the status quo in respect of that matter should be maintained.

The Ministry of Foreign Affairs expresses to the Embassy of the United States of America its high consideration.

III

EMBASSY OF THE UNITED STATES OF AMERICA

Bogotá, September 8, 1972

No. 692

Excellency:

In connection with the signing today of a treaty between the Governments of the Republic of Colombia and the United States of America, I have the honor to convey to you the following understandings of my Government:

1. With respect to Article 2 of that treaty, both governments agree they will exchange views periodically on the desirability of bilateral or multilateral action of a conservation nature.

2. With respect to Article 3 of that treaty, it is understood by both governments that the fishing activities of nationals and vessels of the United States will be subject to reasonable conservation measures applied by the Government of the Republic of Colombia to all fishermen permitted to fish within the present fishing zone adjacent to the cays

* Treaty signed March 24, 1928, and Protocol of exchange of ratifications signed May 5, 1930.

on Roncador and Serrana. The Government of the Republic of Colombia agrees that the conservation measures applied to nationals and vessels of the United States will be non-discriminatory in nature and no more restrictive than those applied to nationals and vessels of the Republic of Colombia and nationals and vessels of other states permitted to fish in these waters.

3. With further respect to Article 3 of the treaty, it is understood by the Government of the Republic of Colombia that the right of United States nationals and vessels to continue fishing in the waters adjacent to Roncador and Serrana will not prejudice the existing rights of nationals and vessels of the Republic of Colombia or the rights of nationals and vessels of any other state which the Government of Colombia now or in the future may permit to conduct fishing and fishing activities in the waters in question. The Government of the Republic of Colombia agrees that prior to the implementation of conservation measures not now in effect, it will give reasonable notice to the Government of the United States of the nature of these regulations and any necessary measures which must be taken by nationals and vessels of the United States in order to comply with these regulations. The Government of the Republic of Colombia also agrees to consult with the Government of the United States of America, at the latter's request, concerning the effects of such proposed regulations on the rights guaranteed United States nationals and vessels by the treaty signed today.

4. It is understood by both governments with respect to the provisions of Article 4 of the treaty that future multilateral agreements shall be applied in a manner consistent with the right of non-discriminatory access by nationals and vessels of the United States to fisheries in accordance with the provisions of other articles of the treaty and this note.

Excellency, I have the honor to propose that this note and your reply constitute an agreement between our governments on the matters discussed above.

Accept, Excellency, the renewed assurances of my highest consideration.

LEONARD J. SACCIO

His Excellency Dr. Alfredo Vázquez Carrizosa
Minister of Foreign Affairs
Republic of Colombia
Bogotá

IV

[SPANISH TEXT — TEXTE ESPAGNOL]

REPÚBLICA DE COLOMBIA
MINISTERIO DE RELACIONES EXTERIORES

Bogotá, 8 de Septiembre de 1972

D.M. 485

Señor Embajador:

Tengo el honor de avisar recibo a Vuestra Excelencia de la nota de fecha de hoy, que dice así:

“En relación con la firma, en el día de hoy, de un Tratado entre los Gobiernos de la República de Colombia y los Estados Unidos de América tengo el honor de comunicarle los siguientes entendimientos de mi Gobierno:

[TRANSLATION¹ — TRADUCTION²]

REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN AFFAIRS

Bogotá, September 8, 1972

DM 485

Mr. Ambassador:

I have the honor to acknowledge receipt of Your Excellency's note dated today, which reads as follows:

[*See note III*]

My Government agrees that Your Excellency's note and this reply shall constitute an agreement between our Governments on the matters discussed above.

Accept, Mr. Ambassador, the assurance of my high consideration.

[*Signed*]

ALFREDO VÁZQUEZ CARRIZOSA
Minister of Foreign Affairs

His Excellency Leonard J. Saccio
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Bogotá

V

EMBASSY OF THE UNITED STATES OF AMERICA

Bogotá, September 8, 1972

No. 693

Excellency:

In connection with the signing today of a treaty between the Government of the Republic of Colombia and the Government of the United States of America concerning the status of Quita Sueño, Roncador and Serrana, I have the honor to convey the following understandings of my government with respect to Article 6 of that treaty:

1. The Government of the United States of America agrees to grant in perpetuity to the Republic of Colombia ownership of the lighthouse located on Quita Sueño and the navigational beacons on Roncador and Serrana.

¹ Translation supplied by the Government of the United States.

² Traduction fournie par le Gouvernement des Etats-Unis.

2. The Government of the Republic of Colombia agrees to maintain and operate these installations in accordance with international regulations.

3. The Agreement of the Government of the United States of America to grant to the Government of the Republic of Colombia the lighthouse on Quita Sueño as provided for in paragraph 1 is subject to the understanding that it does so without prejudice to its legal position that Quita Sueño, being permanently submerged at high tide, is not at the present time subject to the exercise of sovereignty.

4. The time and place of the transfer of the lighthouse on Quita Sueño, and the navigational beacons on Roncador and Serrana, shall be agreed upon between the parties. Preparations for the transfer shall be concluded through meetings of experts from each side within six months of the exchange of ratifications of the treaty concerning the status of Quita Sueño, Roncador and Serrana.

Excellency, I have the honor to propose that this note and your reply constitute an agreement between our governments on the matters discussed above.

Accept, Excellency, the renewed assurances of my highest consideration.

His Excellency Dr. Alfredo Vázquez Carrizosa
Minister of Foreign Affairs
Republic of Colombia
Bogotá

VI

[SPANISH TEXT — TEXTE ESPAGNOL]

REPÚBLICA DE COLOMBIA
MINISTERIO DE RELACIONES EXTERIORES

Bogotá, 8 de Septiembre de 1972

DM 482

Excelencia:

Tengo el honor de avisar recibo a Vuestra Excelencia de la nota de fecha de hoy, que dice así:

“En relación con la firma, en el día de hoy, de un Tratado entre los Gobiernos de la República de Colombia y de los Estados Unidos de América relativo a la situación de Quitasueño, Roncador y Serrana, tengo el honor de comunicarles los siguientes entendimientos con respecto al Artículo 6 del mencionado Tratado:

“1) El Gobierno de los Estados Unidos de América acepta conceder a perpetuidad a la República de Colombia la propiedad del faro situado en Quitasueño y de las ayudas de navegación en Roncador y Serrana.

“2) El Gobierno de la República de Colombia acepta mantener y operar esas instalaciones de acuerdo con los reglamentos internacionales.

“3) El acuerdo del Gobierno de los Estados Unidos de América de conceder al Gobierno de la República de Colombia el faro situado en Quitasueño, como estipula el párrafo primero, está sujeto al entendido de que lo hace sin contrariar su posición

legal según la cual Quitasueño, por estar sumergido de manera permanente en la alta marea, no es al presente objeto de ejercicio de una soberanía.

“4) La fecha y lugar de la transferencia del faro en Quitasueño y de las ayudas de navegación en Roncador y Serrana, serán convenidos entre las partes.

“Los preparativos para la transferencia se harán por medio de consultas entre los expertos de cada una de las partes en un plazo de seis meses contados a partir del canje de las ratificaciones del Tratado relativo a la situación de Quitasueño, Roncador y Serrana.

“Tengo el honor de proponer a Vuestra Excelencia que esta nota y su respuesta constituyan un acuerdo entre nuestros respectivos Gobiernos sobre las materias examinadas anteriormente.”

Mi Gobierno desea manifestar al de Vuestra Excelencia su conformidad con la nota que he transcrito.

Respecto del párrafo 3) de esa comunicación mi Gobierno se ha informado de la posición de los Estados Unidos y manifiesta, a su vez, que reitera la posición colombiana sobre la soberanía de Colombia en Quitasueño, lo mismo que en Roncador y Serrana, expresada en las notas de esta fecha.

Mi Gobierno acepta que la nota de Vuestra Excelencia y esta respuesta constituyan un acuerdo entre nuestros respectivos Gobiernos sobre las materias tratadas anteriormente.

Me suscribo del Señor Embajador con la seguridad de mi alta consideración,

[Signed — Signé]

ALFREDO VÁZQUEZ CARRIZOSA
Ministro de Relaciones Exteriores

A Su Excelencia el Señor Leonard J. Saccio
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América
Presente

[TRANSLATION¹ — TRADUCTION²]

REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN AFFAIRS

Bogotá, September 8, 1972

DM 482

I have the honor to acknowledge receipt of Your Excellency's note, dated today, which reads as follows:

[See note V]

My Government informs Your Excellency's Government that it is in agreement with the note transcribed above.

¹ Translation supplied by the Government of the United States.

² Traduction fournie par le Gouvernement des Etats-Unis.

With respect to paragraph 3 of that note, my Government is cognizant of the position of the United States and states, in turn, that it reaffirms the Colombian position, expressed in the notes dated today, on the sovereignty of Colombia over Quita Sueño as well as Roncador and Serrana.

My Government agrees that Your Excellency's note and this reply shall constitute an agreement between our Governments on the above matters.

Accept, Mr. Ambassador, the assurance of my high consideration.

[Signed]

ALFREDO VÁZQUEZ CARRIZOSA
Minister of Foreign Affairs

His Excellency Leonard J. Saccio
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Bogotá
