

No. 12199

**UNITED STATES OF AMERICA
and
HONDURAS**

**Treaty on the Swan Islands (with exchanges of notes dated
10, 18 and 22 November 1971). Signed at San Pedro
Sula on 22 November 1971**

Authentic texts: English and Spanish.

Registered by the United States of America on 29 December 1972.

**ÉTATS-UNIS D'AMÉRIQUE
et
HONDURAS**

**Traité sur les îles Swan (avec échanges de notes en date des
10, 18 et 22 novembre 1971). Signé à San Pedro Sula
le 22 novembre 1971**

Textes authentiques: anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 29 décembre 1972.

TREATY¹ ON THE SWAN ISLANDS

The Government of the United States of America and the Government of Honduras,

Acknowledging that both Governments have heretofore claimed sovereignty over the Swan Islands,

Recognizing that the Government of the United States of America has for many years maintained a radio air navigational, meteorological observation, and telecommunications facility there, and

Desiring to reach an amicable settlement with respect to their conflicting claims to the Swan Islands and regarding the continuance in operation of the radio air navigational and meteorological facility thereon,

Have agreed as follows:

Article I. The Government of the United States of America recognizes the sovereignty of Honduras over the Swan Islands.

Article II. The Government of the United States of America and the Government of Honduras, recognizing the benefit derived by both countries from the maintenance of a meteorological observation and telecommunications facility in the Swan Islands, declare their intention to establish a cooperative program between them for the continuation of that facility, according to terms to be agreed upon between them.

Article III. The Government of Honduras assumes responsibility for operation and maintenance of the radio air navigational facility in the Swan Islands as long as it is included in the International Civil Aviation Organization Caribbean Regional Air Navigation Plan.

Article IV. The Government of the United States of America transfers to the Government of Honduras as of the date this Treaty enters into force all land, buildings, equipment, and other real and personal property in the Swan Islands to which it holds title, except as agreed pursuant to article II of this Treaty.

Article V. 1. This Treaty shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. This Treaty shall enter into force on the date of the exchange of the instruments of ratification.

¹ Came into force on 1 September 1972 by the exchange of the instruments of ratification, which took place at Washington, in accordance with article V.

IN WITNESS WHEREOF, the undersigned, duly authorized, sign this Treaty in the city of San Pedro Sula, in duplicate, in the English and Spanish languages, both texts being equally authentic, this twenty-second day of November, nineteen hundred and seventy-one.

EN FE DE LO CUAL los suscritos, debidamente autorizados, firman el presente Tratado en la ciudad de San Pedro Sula, por duplicado, en los idiomas inglés y español, siendo ambos textos igualmente auténticos, a los veintidos días del mes de noviembre de mil novecientos setenta y uno.

For the Government
of the United States of America:
Por el Gobierno
de los Estados Unidos de América:

[Signed]

HEWSON A. RYAN
Ambassador of the United States
of America to Honduras

[Signed]

ROBERT H. FINCH
Counsellor to the President
of the United States of America

For the Government
of the Republic of Honduras:
Por el Gobierno
de la República de Honduras:

[Signed]

ANDRÉS ALVARADO PUERTO
Ministro de Relaciones Exteriores

[Signed]

RAMÓN ERNESTO CRUZ
Presidente de la República
de Honduras

EXCHANGES OF NOTES — ÉCHANGES DE NOTES

I a

No. 190

Tegucigalpa, November 22, 1971

Excellency:

I have the honor to refer to the Treaty on the Swan Islands signed today by the United States of America and the Republic of Honduras.

Nothing in said Treaty on the Swan Islands shall prejudice the juridical position of the United States Government with respect to the breadth of the territorial sea under international law as well as jurisdiction over fisheries and the continental shelf.

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

HEWSON A. RYAN

His Excellency Andrés Alvarado Puerto
Minister of Foreign Relations
Tegucigalpa, D.C.

II a

[SPANISH TEXT—TEXTE ESPAGNOL]

SECRETARÍA DE RELACIONES EXTERIORES
DE LA REPÚBLICA DE HONDURAS

Tegucigalpa, D. C., 22 de noviembre de 1971

Señor Embajador:

Tengo a honra avisar recibo a Vuestra Excelencia de su nota de esta fecha, en la cual se refiere al Tratado sobre las Islas de el Cisne suscrito hoy.

Manifiesto Vuestra Excelencia que «nada en dicho Tratado sobre las Islas de el Cisne perjudicará la posición jurídica del Gobierno de los Estados Unidos con respecto a la anchura del mar territorial bajo el Derecho Internacional y la jurisdicción sobre la pesca y la plataforma continental».

Aprovecho esta oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta consideración.

ANDRÉS ALVARADO PUERTO
Ministro de Relaciones Exteriores de Honduras

A su Excelencia Hewson A. Ryan
Embajador de los Estados Unidos de América
En sus Manos

[TRANSLATION¹—TRADUCTION²]

MINISTRY OF FOREIGN RELATIONS
OF THE REPUBLIC OF HONDURAS

Tegucigalpa, D.C., November 22, 1971

Mr. Ambassador:

I have the honor to acknowledge receipt of Your Excellency's note of this date, referring to the Treaty on the Swan Islands, signed today.

I state to Your Excellency that: "Nothing in the said Treaty on the Swan Islands shall prejudice the juridical position of the United States Government with respect to the breadth of the territorial sea under international law as well as jurisdiction over fisheries and the continental shelf."

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

[Signed]

ANDRÉS ALVARADO PUERTO
Minister of Foreign Relations of Honduras

His Excellency Hewson A. Ryan
Ambassador of the United States of America

I b

AIDE-MÉMOIRE

Reference is made to the current negotiations between the United States of America and the Republic of Honduras with respect to the Swan Islands.

As the Government of Honduras is aware, there are a small number of third country nationals with long residence and personal property in the Swan Islands, including a number of Caymanese (British) nationals. It is the understanding of the Government of the United States that after its recognition of Honduran sovereignty over the Swan Islands under the Treaty which the two Governments have recently negotiated, the Government of Honduras will protect the residential and personal property rights of such persons.

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

It would be appreciated if the Government of Honduras would confirm this understanding.

Tegucigalpa, D.C., November 10, 1971.

Embassy of the United States of America

II *b*

[SPANISH TEXT—TEXTE ESPAGNOL]

SECRETARÍA DE RELACIONES EXTERIORES
DE LA REPÚBLICA DE HONDURAS

MEMORANDUM

Con referencia al memorandum de esa Honorable Embajada, fechado el 10 del presente mes, acerca del pequeño número de nacionales de terceros países con largo período de residencia y con propiedad personal en las Islas de el Cisne, los cuales incluyen algunos nacionales de las Islas Caimán (británicos), el Gobierno de Honduras se complace en manifestar que está dispuesto a proteger sus derechos de residencia y de propiedad, todo en conformidad con la Constitución de la República y demás leyes nacionales.

Tegucigalpa, D. C., 18 de noviembre de 1971.

Secretaría de Relaciones Exteriores de Honduras

[TRANSLATION¹—TRADUCTION²]

MINISTRY OF FOREIGN RELATIONS
OF THE REPUBLIC OF HONDURAS

AIDE-MÉMOIRE

With reference to the Embassy's aide-mémoire of November 10, 1971, concerning the small number of third country nationals with long residence and personal property in the Swan Islands, including a number of Caymanese (British) nationals, the Government of Honduras takes pleasure in stating that it is willing to protect their residential and property rights, in conformity with the Constitution of the Republic and other national laws.

Tegucigalpa, D.C., November 18, 1971.

Ministry of Foreign Relations of Honduras

¹ Translation supplied by the Government of the United States of America.
² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.