INTERNATIONAL COURT OF JUSTICE

TERRITORIAL AND MARITIME DISPUTE

(NICARAGUA v. COLOMBIA)

COUNTER-MEMORIAL OF THE REPUBLIC OF COLOMBIA

VOLUME II - A

ANNEXES

11 NOVEMBER 2008

TABLE OF CONTENTS

TREATIES AND AGREEMENTS

Annex 1 Treaty concerning Territorial Questions at issue between Colombia and Nicaragua, Managua, 24 March 1928, with Protocol of Exchange of Ratifications, Managua 5 May 1930 (Esguerra - Bárcenas). 3

Annex 2 Exchange of Notes between Colombia and the United States of America, concerning the status of Quitasueño, Roncador and Serrana, 10 April 1928. 5

Annex 3 Treaty between Colombia and the United States of America concerning the Status of Quitasueño, Roncador and Serrana (with Exchanges of Notes), Bogotá, 8 September 1972. 9

Annex 4 Treaty on the Delimitation of Marine and Submarine Areas and Related Matters between the Republic of Colombia and the Republic of Panama, 20 November 1976. 25

Annex 5 Treaty on the Delimitation of Marine and Submarine Areas and Maritime Cooperation between the Republic of Colombia and the Republic of Costa Rica, 17 March 1977. 31

Annex 6 Treaty Concerning Delimitation of Marine Areas and Maritime Cooperation between the Republic of Costa Rica and the Republic of Panama, 2 February 1980. 35

Annex 7 Fishing Agreement between the Republic of Colombia and Jamaica (with Annex), 30 July 1981. 39

Annex 8 Agreement between Colombia and the United States of America on certain fishing rights in implementation of the Treaty between Colombia and the United States of America of 8 September 1972, concerning the status of Quitasueño, Roncador and Serrana. Bogotá, 24 October 1983 and 6 December 1983. . . . 45

Annex 9 Fishing Agreement between the Republic of Colombia and Jamaica, 30 August 1984. 51

Annex 10 Treaty concerning Maritime Delimitation between the Republic of Colombia and the Republic of Honduras, 2 August 1986. 63

Annex 11 Joint Statement of the Government of the Republic of Colombia and the Government of the United States of America regarding a temporary ban on conch fishing in the Treaty waters adjacent to Quitasueño, 23 January 1987. . . . 69

Annex 12 Agreed Minutes of the consultations on the 1972 Vazquez-Saccio, 5-6 October 1989. . . 73

Annex 13 Joint Statement of the Government of the Republic of Colombia and the Government of the United States of America regarding fisheries conservation measures in the Treaty waters adjacent to Quitasueño, 6 October 1989. . . . 79

Annex 14 Treaty on Maritime Delimitation between the Republic of Colombia and Jamaica, 12 November 1993. 85

Annex 15 Agreed Minutes of the III Meeting between the Government of the Republic of Colombia and the Government of the United States of America in compliance with the 1972 Vazquez-Saccio Treaty, 17-18 May 1994. 95

Annex 16 Joint Statement of the Government of the Republic of Colombia and the Government of the United States of America regarding fisheries conservation measures in the Treaty waters adjacent to Quitasueño, 18 May 1994. . . 101

Annex 17 Exchange of Notes between the Republic of Colombia and the Republic of Costa Rica of 29 May 2000: Colombian Note Nº. DM-M 14081, Costa Rican Note Nº 396-UAT-PE. 103

Annex 18 Protocol of Exchange of Ratifications of the Treaty on the Delimitation of Marine and Submarine Areas and Maritime Cooperation between the Republic of Colombia and the Republic of Costa Rica of 6 April 1984, additional to that signed in the city of San José on 17 March 1977, 20 February 2001. 107

COLONIAL DOCUMENTS

Annex 19 Letter addressed by the Islanders of San Andrés to the King of Spain, 25 November 1802. 111

Annex 20 Report from the Junta of Fortifications and Defense, 2 September 1803. 115

Annex 21 Report from the Junta of Fortifications and Defense, 21 October 1803. 119

Annex 22 Royal Order of 30 November 1803. 121

Annex 23 Letter addressed to don Joaquín Francisco Fidalgo, from Manuel Del Castillo y Armenta, Cartagena, 9 February 1805. 123

DIPLOMATIC CORRESPONDENCE

Annex 24 Diplomatic Note from the Colombian Foreign Minister, Pedro Gual, to the Commander - in - Chief of the British Naval Forces in the Western Indies, Vice-Admiral Sir Lawrence Halstead, 19 June 1824. 127

Annex 25 Note N° 52 from the Governor of the Province of Cartagena to the United States Consul in that city, 22 November 1854. . . . 129

Annex 26 Diplomatic Note from the Colombian Minister in Washington to the Department of State, 8 December 1890. . . 131

Annex 27 Diplomatic Note from the Charge d' Affaires of Colombia in Washington to the Secretary of State, 18 January 1893. 135

Annex 28 Diplomatic Note from the representative of the Kingdom of Sweden and Norway in Washington to the Secretary of State of the United States, 27 October 1894. 151

Annex 29 Diplomatic Note from the United States Minister in Bogotá to the Colombian Foreign Minister, 2 January 1895. 153

Annex 30 Diplomatic Note from the Colombian Foreign Minister to the United States Minister in Bogotá, 17 January 1895. 159

Annex 31 Diplomatic Note from the Nicaraguan Foreign Minister to the Colombian Foreign Minister, 14 March 1896. 161

Annex 32 Diplomatic Note from the Nicaraguan Minister in Paris, Mr. Crisanto Medina, to the French Foreign Minister, Mr. Delcassé, 22 September 1900. 163

Annex 33 Diplomatic Note from the French Foreign Minister, Mr. Delcassé, to the Nicaraguan Minister in Paris, Mr. Crisanto Medina, 22 October 1900. 165

Annex 34 Diplomatic Note from the French Foreign Minister, Mr. Delcassé, to the Colombian Minister in Paris, Mr. Julio Betancur, 26 October 1900. 167

Annex 35 Diplomatic Note from the Colombian Minister in London to the British Foreign Office, 19 February 1913. 169

Annex 36 Diplomatic Note from the Nicaraguan Foreign Minister to the Colombian Foreign Minister, 24 December 1913. 171

Annex 37 Diplomatic Note from the Colombian Minister in London to the British Foreign Office, 25 March 1914. 179

Annex 38 Diplomatic Note from the British Legation in Bogotá to the Colombian Foreign Ministry, 11 May 1914. 181

Annex 39 Diplomatic Note from the Colombian Foreign Ministry to the British Legation in Bogotá, 1 June 1914. 183

Annex 40 Diplomatic Note N° 1 from the United States Minister in Bogotá to the Colombian Foreign Minister, 1 March 1919. 185

Annex 41 Diplomatic Note from the Colombian Foreign Minister to the United States Minister in Bogotá, 15 May 1919. 187

Annex 42 Diplomatic Note Nº 72 from the Colombian Minister in Managua to the Nicaraguan Foreign Minister, 10 December 1923. 189

Annex 43 Diplomatic Note from the Colombian Legation in London to the British Foreign Office, 12 January 1924. 191

Annex 44 Diplomatic Note from the British Foreign Office to the Colombian Legation in London, 17 July 1924. 195

Annex 45 Diplomatic Note N° 232 with enclosure (draft treaty) from the Colombian Minister in Managua to the Nicaraguan Foreign Minister, 18 March 1925. 199

Annex 46 Diplomatic Note N° 157 from the Nicaraguan Foreign Minister to the Colombian Minister in Managua, 28 March 1925. . . . 201

Annex 47 Diplomatic Note from Sir Austen Chamberlain, British Foreign Secretary, to the Colombian Minister in London, 7 July 1926. 203

Annex 48 Proposal submitted by the Colombian Minister in Washington to the Department of State, 2 August 1927. 207

Annex 49 Diplomatic Note from the Colombian Minister in Managua to the Nicaraguan Foreign Minister, 3 January 1929. 211

Annex 50 Diplomatic Note from the Nicaraguan Foreign Minister to the Colombian Minister in Managua, 7 May 1930. 213

Annex 51 Diplomatic Note N° 6 from the Nicaraguan Embassy in Bogotá to the Colombian Foreign Ministry, 29 April 1949. . . . 215

Annex 52 Diplomatic Note N° CN-1768 from the Colombian Foreign Ministry to the Nicaraguan Embassy in Bogotá, 28 June 1949. 217

Annex 53 Diplomatic Note from the Colombian Representative to the Universal Postal Union to the Director-General of the Universal Postal Union, Montreux, 30 May 1950. 219

Annex 54 Diplomatic Note N° 092 from the Colombian Ambassador in Managua to the Nicaraguan Foreign Minister, 4 June 1969. 221

Annex 55 Diplomatic Note N° DM-170 from the Colombian Foreign Minister to the Nicaraguan Ambassador in Bogotá, 18 April 1975. 223

Annex 56 Diplomatic Note N° F-229 from the Colombian Foreign Minister to the Nicaraguan Ambassador in Bogotá, 21 August 1975. 225

Annex 57 Diplomatic Note N° DM-00156 from the Colombian Foreign Minister to the Nicaraguan Ambassador in Bogotá, 28 March 1977. 227

Annex 58 Diplomatic Note N° DM-00457 from the Colombian Foreign Minister to the Nicaraguan Ambassador in Bogotá, 24 October 1977. 229

Annex 59 Diplomatic Note N° DM-00482 from the Colombian Foreign Minister to the Chargé d' Affairs of Nicaragua in Bogotá, 15 November 1977. 231

Annex 60 Aide-Mémoire from the United States Embassy in Managua to the Government of Reconstruction of Nicaragua recording the History of Negotiations on Quitasueño, 16 July 1981. 233

Annex 61 Diplomatic Note N° 23 from the French Embassy in Bogotá to the Colombian Foreign Ministry, 26 January 1982. 241

Annex 62 Diplomatic Note N° SG. 00222 from the Colombian Foreign Ministry to the French Embassy in Bogotá, 16 February 1982. 243

Annex 63 Notes from the Jamaican Director of Fisheries to the Colombian Consul General in Kingston pursuant to the 1981 Fishing Agreement. 245

Annex 64 Notes from the Jamaican Director of Fisheries to the Colombian Consul General in Kingston pursuant to the 1984 Fishing Agreement. 251

Annex 65 Diplomatic Note N° 340 from the United States Embassy in Bogotá to the Colombian Foreign Ministry, 25 April 1994. 257

Annex 66 Diplomatic Note N° ST./757 from the Colombian Foreign Ministry to the United States Embassy in Bogotá, furnishing a copy of the map attached to the 1983 Agreement, 1994. 259

Annex 67 Diplomatic Note Nº DM. 172-96 from the Costa Rican Foreign Minister to the Colombian Foreign Minister, 14 May 1996. . . . 261

Annex 68 Diplomatic Note N° ST 29040 from the Colombian Foreign Ministry to the United States Embassy in Bogotá, 6 August 1996. 263

Annex 69 Diplomatic Note Nº DVM 103 from the Costa Rican Foreign Vice-Minister to the Colombian Ambassador in Costa Rica, 23 March 1997. 265

COLOMBIAN OFFICIAL DOCUMENTS

Annex 70 Colombian Law on the organization and political regime of the departments, provinces and cantons in which the Republic is divided, 8 October 1821 269

Annex 71 Division of the Province of Cartagena in Six Cantons. Provision of 16 March 1822 issued by General Mariano Montilla, Governor. . . 273

Annex 72 Decree of the Governor of Cartagena, Colombia, banning the extraction of guano in the Archipelago of San Andres, 15 November 1854. 275

Annex 73 Colombian Law 25 of 24 April 1871. 277

Annex 74 Note N° 5 from the Prefect of the National Territory of San Andrés and San Luis de Providencia to the Secretary of Finance and Development, 26 September 1871. 279

Annex 75 Colombian Decree issued by the Prefect of the National Territory of San Andrés and San Luis de Providencia, 26 September 1871. 281

Annex 76 Report by the Prefect of the National Territory of San Andrés and San Luis de Providencia to the Government of the Union, 25 November 1871. 283

Annex 77 Note N° 35 from the Prefect of the National Territory of San Andrés and San Luis de Providencia to the Secretary of Finance and Development of the Union, 25 December 1871. 287

Annex 78 Note N° 17 from the Prefect of the National Territory of San Andrés and Providencia to the Colombian Secretary of the Interior and Foreign Affairs, 25 November 1872. 289

Annex 79 Contract for the Exploitation of Minerals and Fertilizers in the Archipelago of San Andrés, 25 April 1874. 291

Annex 80 Definitive administrative termination of Contract for Exploitation of Minerals and Fertilizers in the Archipelago of San Andrés, 9 October 1877. . 295

Annex 81 Contract for the Exploitation of Minerals and Fertilizers in the Archipelago of San Andrés, 11 January 1882. 297

Annex 82 Note Nº 326 from the Prefect of the Province of Providencia to the Secretary of Government at Cartagena, 19 September 1890. . . . 301

Includes texts of Notes N° 1455 and 1524 from the Secretary of Finance and Development to the Prefect of San Andrés and Providencia, of 6 February 1875 and 13 April 1875, respectively.

Annex 83 Note N° 5382 from the Colombian acting Foreign Minister to the Governor of the Province of Bolívar, 13 January 1892. 309

Annex 84 Note Nº 343 from the Colombian acting Minister of Finance to the Foreign Minister, 1 February 1892. . . . 311

Annex 85 1892 Report to Congress by the Colombian Foreign Minister. 313

Annex 86 1893 Terms of tender regarding Guano and Phosphates Exploitation Contracts in Serrana. 315

Annex 87 1894 Report to Congress by the Colombian Foreign Minister. 317

Annex 88 Note N° 5,154 from the Colombian Foreign Minister to the Colombian Legation in Washington, 17 January 1895. 319

Annex 89 1896 Report to Congress by the Colombian Foreign Minister. 321

Annex 90 Contract for the Exploitation of Guano and other Fertilizers in the Archipelago of San Andrés, approved on 30 January 1896. 327

Annex 91 Colombian Law 52 of 1912 on the creation and organization of the National Intendancy of San Andrés and Providencia. . . . 331

Annex 92 Presidential Decree N° 1066 on Electoral Districts for the Election of Deputies to the Departmental Assemblies, 4 December 1912. 335

Annex 93 Presidential Decree N° 1090, 12 December 1912. 337

Annex 94 Presidential Decree N° 1496, 23 May 1913. 339

Annex 95 Note from the Colombian Foreign Minister to the Minister 341
of Public Works, 2 April 1914.

Annex 96 Report to the Council of Ministers on Legal Aspects of Guano 343
Exploitation Contract in the Archipelago of San Andrés,
1 February 1915.

Annex 97 Contract for the Exploitation of Guano in the Archipelago 347
of San Andrés and related Official Documents,
approved on 19 March 1915.

Annex 98 Report by Mr. Antonio José Uribe to the Colombian Foreign 355
Affairs Advisory Commission, 5 November 1915.

Annex 99 Resolution of the Ministry of Finance concerning a Contract 357
for Guano Exploitation in the Archipelago of San Andrés, May 1916.

Annex 100 Resolution of the Ministry of Public Works concerning a 359
Contract for Guano Exploitation in the Archipelago of San Andrés,
11 December 1918.

Annex 101 Note Nº 312-2973 from the Colombian Minister in Washington . . . 361
to the Colombian Foreign Minister, 13 September 1919.

Annex 102 Note N° 1287 from the Governor of San Andrés to the Minister . . . 363
of Government, 21 September 1919, and enclosure.

Annex 103 Annual Report from the *Intendente* of the Archipelago of 367
San Andrés to the Minister of Government, May 1919-April 1920.

Annex 104 Address to Congress by the President of the Republic of 369
Colombia, July 1920.

Annex 105 Terms of tender for Pearl Fishing in Colombian Seas 371
including the Archipelago of San Andrés, 21 April 1924.

Annex 106 Presidential Decree N° 625 on Pearl Fishing in Colombian 375
Seas including the Archipelago of San Andrés, 22 April 1925.

Annex 107 1925 Report to Congress by the Colombian Foreign Minister. 379

Annex 108 Colombian Decree N° 121, issued by the Intendancy of San Andrés, 31 December 1925. 381

Annex 109 Presidential Decree N° 755 on Reorganization of Pearl Fishing in Colombian Seas including the Archipelago of San Andrés, 7 May 1926. 383

Annex 110 Resolution of the Ministry of the Industries terminating a Contract for Guano exploitation in the Archipelago of San Andrés, 16 December 1926. 387

Annex 111 Cable N° 81 from the Colombian Minister in Washington to the Foreign Minister, in reply to the latter's cable Nº 28 of 31 August 1927, 8 September 1927. 395

Annex 112 Note N° 530 from the Colombian Minister in Managua to the Colombian Minister in Washington, 20 November 1927. 397

Annex 113 Annual Address by the President of the Republic of Colombia at the Start of the 1928 Ordinary Session of Congress. 401

Annex 114 1928 Report to Congress by the Colombian Foreign Minister. 403

Annex 115 Telegram from the *Intendente* of San Andrés to the Ministers of Government and Industries of Colombia, 26 July 1929. 405

Annex 116 Memorandum from the Colombian Foreign Ministry to the Colombian Minister in Managua, in reply to the latter's cable of 8 February 1930, 11 February 1930. 407

Annex 117 Law 47 of 11 April 1931. 409

Annex 118 Report of the Colombian Senate's Special Commission that studied the Memorial of Mr. Ernesto Restrepo Gaviria, in relation to the Cays of Roncador and Quitasueño, 16 November 1934. 411

Annex 119 Executive Resolution N° 90, 1 June 1937. 419

Annex 120 Report by an Official of the Colombian Ministry of Foreign Affairs regarding the cays of Roncador, Quitasueño and Serrana in the Archipelago of San Andrés, 31 August 1937. 421

Annex 121 Presidential Decree N° 487 establishing the Naval Garrison on San Andrés, 8 March 1940. 431

Annex 122 Note N° LF99/458, from the Colombian Foreign Minister to the Colombian Chargé d'Affaires in Washington, 21 October 1943 435

Annex 123 Note N° 938/DIN from the General Marine Division to the Colombian Minister of War, 21 January 1946. 437

Annex 124 Colombian Navy Internal Memorandum on Status of Lighthouses, including two in the Archipelago of San Andrés, 3 May 1946. 439

Annex 125 Report by the Geological Commission sent to the Archipelago of san Andrés by the Colombian Mines and Oil Ministry, October 1947. 441

Annex 126 Presidential Decree N° 2966-BIS issued in San Andrés, Island of San Andrés, 13 November 1953. 449

Annex 127 Note N° 060 CG-EMG-SJ 832 from the Colombian Minister of War to the Foreign Minister, 4 March 1955. 453

Annex 128 Note N° 142/COFB-57-M-107 from the Chief of the Lighthouses and Buoys Division of the Colombian Navy to the Coasts and Merchant Marine, 22 October 1959. 455

Annex 129 Note N° 11700R/COARMADA-DMMC, from the Merchant Marine Director of the Colombian Navy to the General Command, 1 October 1964. 457

Annex 130 Periodic Report N° 8 of the Command of the Atlantic Naval Force, 31 August 1968. 459

Annex 131 Note Nº 03308/MIDSG-A-559 from the Colombian Defense Minister to the Colombian Foreign Minister, 18 November 1968. 461

Annex 132 Periodic Report N° 11 of the Command of the Atlantic Naval Force, Cartagena, 30 November 1968. 463

Annex 133 Resolution N° 206 from the Colombian Institute for Agrarian Reform (INCORA), 16 December 1968. 467

Annex 134 Colombian Resolution N° 092 from the Colombian Institute for Agrarian Reform (INCORA), 30 June 1969. 473

Annex 135 Periodic Report N° 8 of the Command of the Atlantic Naval Force, Cartagena, 31 August 1969. 475

Annex 136 File N° 001/71 of the Port Captaincy of San Andrés, Office of Investigation, 30 October 1971. 477

Annex 137 Note Nº 71/33 from the Colombian Consulate in Kingston, Jamaica, to the Colombian Foreign Minister, 4 August 1972. 479

Annex 138 Colombian Navy Resolution N° 282, 10 July 1975. 481

Annex 139 Resolution N° 16 from the Colombian Maritime and Port General Directorship, 12 January 1977. 485

Annex 140 Resolution N° 169 from the Colombian Maritime and Port General Directorship, 29 March 1977. 489

Annex 141 Resolution N° 580 from the Colombian Maritime and Port General Directorship, 4 October 1977. 491

Annex 142 Colombian Law N° 10 on Maritime Spaces, 4 August 1978. 495

Annex 143 Colombian Maritime and Port General Directorship Study of Maritime Signaling System fueled by Solar Energy, including Lighthouses in the Archipelago of San Andres, 3 December 1980. 499

Annex 144 Resolution N° 788 from the Colombian Maritime and Port General Directorship, 3 December 1982. 503

Annex 145 Historical Log, *ARC Pedro de Heredia,* July 1983. 507

Annex 146 Historical Log, *ARC Caldas,* June 1986. 509

Annex 147 Resolution N° 1162 from the Colombian Maritime and Port General Directorship, 14 November 1986. 511

Annex 148 Resolution 1039 from the Colombian Maritime and Port General Directorship, 11 August 1987. 513

Annex 149 Historical Log, *ARC Independiente*, October 1988. 517

Annex 150 Resolution N° 1565 of INDERENA, 29 December 1989. 519

Annex 151 Resolution N° 140 of INDERENA, 27 June 1990. 523

Annex 152 Historical Log, *ARC Pedro de Heredia*, August 1990. 529

Annex 153 Resolution N° 1368 from the Colombian Maritime and Port 531
General Directorship, 26 September 1990.

Annex 154 Decision of the Colombian Maritime and Port General 533
Directorship of 27 September 1990.

Annex 155 Historical Log, *ARC Almirante Padilla*, April 1992. 537

Annex 156 Resolution N° 42 from the Colombian Maritime and Port 539
General Directorship, 29 January 1993.

Annex 157 Resolution N° 46 from the Colombian Maritime and Port 543
General Directorship, 3 February 1993.

Annex 158 Historical Log, *ARC Caldas*, July 1993. 551

Annex 159 Colombian Navy Resolution Nº 825, 27 December 1994. 553

Annex 160 Note N° NR. 003 from the Chief of Colombian Maritime 559
Signals on the Atlantic to the Chief of the Navigational Aids
Division, Colombian Maritime and Port General Directorship,
2 January 1997.

Annex 161 1997 Colombian Navy's Notice to Sailors on new Lighthouse 561
in Serranilla, to replace that built by Colombia in 1977.

Annex 162 Resolution N° 287 of the National Institute of Fisheries and 563
Agriculture - INPA, 7 May 1997.

Annex 163 Resolution N° 806 from the Colombian Maritime and Port 567
General Directorship, 23 December 1997.

Annex 164 Note N° NR. 437 from the Chief of Maritime Signals on the 571
Atlantic to the Secretary-General of the Colombian Maritime
and Port General Directorship, 10 December 1998.

Annex 165 Operation Order N° 2 of 2000 from the Specific Command of the Colombian Navy for San Andrés and Providencia. 573

Annex 166 Resolution N° 26 from the Colombian Maritime and Port General Directorship, 4 February 2000. 579

Annex 167 Resolution N° 440 from the Colombian Maritime and Port General Directorship, 7 November 2001. 583

Annex 168 Resolution N° 474 from the Colombian Maritime and Port General Directorship, 12 December 2001. 589

Annex 169 Operation Permit from the Colombian Maritime General Directorship, 24 April 2002. 595

Annex 170 Resolution N° 128 of CORALINA, the Environmental Authority in the Archipelago of San Andrés, 27 February 2006. 597

Annex 171 Study on Quitasueño and Alburquerque prepared by the Colombian Navy, September 2008. 603

OTHER DOCUMENTS

Annex 172 1820 Sailing Directions of the Spanish Navy. 615

Annex 173 Note from the Commodore at the British Colonial Office to the Governor of Jamaica, 29 December 1874. Includes, as enclosure, Report submitted by Captain Erskine to the Commodore, 26 December 1874. 619

Annex 174 Note N° 20 from the Governor of Jamaica to the British Colonial Office, 9 February 1875. 637

Annex 175 Note Nº 340, and enclosures, from the United States Minister in Bogotá to the Department of State, 4 May 1892. 643

Annex 176 Note Nº 76 from the Department of State to the United States Minister in Bogotá, 26 November 1894. 669

Annex 177 Note N° 91 from the United States Minister in Bogotá to the Department of State, 19 January 1895. 673

Annex 178 Note N° 267 from the Department of State to the United States Minister in Bogotá, 14 April 1897. 677

Annex 179 Memorandum from the French Foreign Minister, Mr. Delcassé, to the French President, Mr. Loubet, 13 October 1900. 679

Annex 180 Note Nº 34429 from the British Foreign Office to the Colonial Office, 24 October 1906, and enclosed Memorandum dated 18 October 1906. 681

Annex 181 Note from the Department of the Navy to the Department of State, 27 February 1913. 687

Annex 182 Note from the Governor of the Archipelago of San Andrés to the Captain of the *W.E. Hurlston*, 2 April 1913. 689

Annex 183 Note from the Department of the Navy to the Department of State, 9 April 1914. 691

Annex 184 Note Nº 109/271 from the Commissioner of the Cayman Islands to the Colonial Secretary at Jamaica, 13 June 1914. 693

Annex 185 Note Nº 30613/14 from the British Foreign Office to the Undersecretary of State for the Colonies, 10 July 1914. 697

Annex 186 Note from the Secretary of State for the Colonies to the Governor of Jamaica, 23 July 1914. 699

Annex 187 Note from the Governor of Jamaica to the Secretary of State for the Colonies, 14 November 1914. 701

Annex 188 Note from the Department of the Navy to the Department of State, 3 February 1915. 703

Annex 189 Letter from Mr. Edward A. Alexander, Counselor at Law, New York, to the Department of State, 19 July 1915. 705

Annex 190 Note from Mr. William Phillips, Third Assistant Secretary, for the Secretary of State, to Mr. Alexander, 27 July 1915. 707

Annex 191 Telegram from the United States Minister in Bogotá to the Department of State, 17 September 1919. 709

Annex 192 Telegram from the United States Minister in Bogotá to the Department of State, 4 October 1919. 713

Annex 193 Telegram from the Secretary of State to the United States Minister in Bogotá, 16 October 1919. 717

Annex 194 Notice Nº 21 issued by the British Commissioner of the Cayman Islands, 22 May 1924. 719

Annex 195 British Foreign Office's internal document of 29 November 1926. 721

Annex 196 Official opinion of the Nicaraguan Government on the end of the Dispute with Colombia, 22 September 1928. 725

Annex 197 Note N° 1316 from the United States Chargé d'Affairs a.i. at Managua to the Secretary of State of the United States, 11 February 1930. 729

Annex 198 Record of session XLVIII of the Chamber of the Senate of the Nicaraguan Congress, 4 March 1930. 733

Annex 199 Record of the XLIX of the Chamber of the Senate of the Nicaraguan Congress, 5 March 1930. 735

Annex 200 Full powers granted by the President of Nicaragua to the Nicaraguan Foreign Minister, 9 April 1930. 739

Annex 201 1930 Report to Congress by the Nicaraguan Foreign Minister, concerning the 1928/1930 Treaty. 741

Annex 202 Note from the National Geographic Society to the Colombian Legation in Washington, 11 June 1935. 743

Annex 203 Despatch N° 145 from the United States Consul in Kingston to the Department of State, 11 September 1935. 745

Annex 204 Note from the Department of State to the American Geographical Society, 16 June 1941. 749

Annex 205 Note from Mr. Enrique Ancízar, legal representative of the American Gas Accumulator Company, to the Navy General Division of the Colombian Ministry of War, 15 October 1944. 753

Annex 206 Office Memorandum of the Department of State from Mr. Hussey - DRA (Division of American Republics) to Mr. Wright - ARA (American Republic Affairs), 9 September 1947. 755

Annex 207 Office Memorandum of the Department of State from Mr. Woodward, Deputy Director of ARA (American Republic Affairs) to The Files, 1 December 1947. 759

Annex 208 Note Dir.GE/Lg from the Swedish company AGA to the General Command of the Colombian Navy, 4 December 1954. 761

Annex 209 Note from the Assistant Legal Adviser of the Department of State to Mr. W.R. Crippen, Jr., 2 March 1965. 763

Annex 210 Note from the Assistant Legal Adviser of the Department of State to Mr. W.R. Crippen, Jr., 13 April 1965. 765

Annex 211 Note from the Assistant Legal Adviser of the Department of State to Mr. W.R. Crippen, Jr., 12 October 1965. 767

Annex 212 Cable from the United States Embassy in Bogotá to the Department of State, 10 May 1967. 769

Annex 213 Cable from the Department of State to the United States Embassy in Bogotá, 16 May 1967. 771

Annex 214 Note E.O. 11652N/A from the United States Embassy in Bogotá to the Department of State, 25 May 1973. 775

Annex 215 Background of the Declaration of Nullity an Invalidity of the Barcenas- Meneses-Esquerra Treaty, 4 February 1980. 779

Annex 216 Letter from the fishing company *Empacadora de Castilla S.A. de C.V.* to the Colombian Foreign Ministry, 22 September 1980. 781

Annex 217 Statement given by Mr. Gonzalo J. Facio, Costa Rican signatory of the 1977 Treaty with Colombia and former Foreign Minister, at the Costa Rican Foreign Ministry, 27 August 1998. 783

Annex 218 Certification N° SGN/031075 issued by the Service de Géodésie et de Nivellement of the Institut Géographique National of France, 12 November 2003. 785

TREATIES AND AGREEMENTS

Annex 1

TREATY CONCERNING TERRITORIAL QUESTIONS AT ISSUE BETWEEN COLOMBIA AND NICARAGUA, MANAGUA, 24 MARCH 1928, WITH PROTOCOL OF EXCHANGE OF RATIFICATIONS OF 5 MAY 1930 (ESGUERRA-BÁRCENAS)

(Translation provided by Colombia. See paragraphs 5.15-5.22)

The Republic of Colombia and the Republic of Nicaragua, desirous of putting an end to the territorial dispute pending between them, and to strengthen the ties of traditional friendship which unite them, have decided to conclude the present Treaty, and to that effect have appointed as their Plenipotentiaries, to wit:

His Excellency the President of the Republic of Colombia [has appointed] Dr. Don Manuel Esguerra, Envoy Extraordinary and Minister Plenipotentiary to Nicaragua; and

His Excellency the President of the Republic of Nicaragua [has appointed] Dr. Don José Bárcenas Meneses, Under Secretary for Foreign Affairs,

Who, having communicated their full powers, found in due form, have agreed on the following provisions:

Article I

The Republic of Colombia recognizes the full and entire sovereignty of the Republic of Nicaragua over the Mosquito Coast comprised between the Cape Gracias a Dios and the San Juan River, and over the Mangle Grande and Mangle Chico islands, in the Atlantic Ocean (Great Corn Island and Little Corn Island); and the Republic of Nicaragua recognizes the full and entire sovereignty of the Republic of Colombia over the islands of San Andrés, Providencia, Santa Catalina and all the other islands, islets and cays that form part of the said Archipelago of San Andrés.

The Roncador, Quitasueño and Serrana cays are not considered to be included in this Treaty, sovereignty over which is in dispute between Colombia and the United States of America.

Article II

The present Treaty shall be submitted, for its validity, to the Congresses of both States, and once approved by them, the exchange of ratifications shall take place at Managua or Bogota, in the shortest possible term.

In faith whereof, we, the respective Plenipotentiaries, sign and affix our seals.

Done in duplicate, in Managua, on March twenty-fourth one thousand nine hundred and twenty-eight.

(signed) Manuel ESGUERRA (signed) J. BÁRCENAS-MENESES

PROTOCOL OF EXCHANGE

His Excellency Dr. Don Manuel Esguerra, Envoy Extraordinary and Minister Plenipotentiary of Colombia to Nicaragua, and His Excellency Dr. Don Julian Irias, Minister for Foreign Affairs, having met in the offices of the Ministry of Foreign Affairs of the Government of Nicaragua, for the purpose of proceeding to exchange the ratifications of their respective governments, regarding the Treaty concluded between Colombia and Nicaragua, on March twenty-fourth, one thousand nine hundred and twenty-eight, to put an end to the question pending between both Republics concerning the San Andrés and Providencia Archipelago and the Nicaraguan Mosquitia; having communicated their full powers found in good and due form, and having noted that the said ratifications were identical, proceeded to exchange the same.

The undersigned, in virtue of the full powers which have been granted to them, and on the instructions of their respective governments, hereby declare: that the Archipelago of San Andrés and Providencia, which is mentioned in the first clause of the referred to Treaty, does not extend west of the 82 Greenwich meridian.

In faith whereof the undersigned sign the present [Protocol] in duplicate and affix their respective seals thereto.

Done at Managua, on the fifth day of the month of May, one thousand nine hundred and thirty.

(Seal) (signature) MANUEL ESGUERRA
(Seal) (signature) J. IRÍAS G.

Annex 2

EXCHANGE OF NOTES BETWEEN COLOMBIA AND THE UNITED STATES OF AMERICA, CONCERNING THE STATUS OF QUITASUEÑO, RONCADOR AND SERRANA, 10 APRIL 1928

(Archives of the Ministry of Foreign Affairs of Colombia)

Legation of Colombia - Number 352 - Washington, D.C., 10 April 1928.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Colombia, duly authorized by his Government, proposes to His Excellency the Secretary of State of the United States of America the conclusion, by an exchange of notes, of the following agreement, respecting the status of the Cays of Serrana, Quitasueño and Roncador, situated in the western part of the Caribbean Sea, that is to wit:

Whereas both Governments have claimed rights of sovereignty over these cays;

And whereas the interest of the United States lies primarily in the maintenance of aids to navigation on those cays;

And whereas Colombia shares the desire that such aids shall be maintained without interruption and furthermore is especially interested that her nationals shall uninterruptedly possess the opportunity of fishing in the waters adjacent to those cays;

They resolve to preserve the status quo in respect to the matter, and, consequently, the Government of Colombia will refrain from objecting to the maintenance by the United States of the services which it has established or may establish on said cays to aid navigation, and the Government of the United States will refrain from objecting to the utilization, by Colombian nationals, of the waters appurtenant to the cays for purposes of fishing.

To His Excellency
Mr. Frank B. Kellogg,
Secretary of State-Washington

The undersigned avails himself of the opportunity to reiterate to His Excellency the Secretary of State the assurances of his highest and distinguished consideration.

Signed, Enrique Olaya

DEPARTMENT OF STATE
WASHINGTON

April 10, 1928.

Sir:

The undersigned, the Secretary of State, has the honor to acknowledge and take cognizance of a note of this date from the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Colombia, stating that having been duly authorized to take such action on behalf of the Colombian Government, by His Excellency the Minister of Foreign Affairs for Colombia, he proposes the conclusion by exchange of notes of the following agreement respecting the status of Serrana and Quita Sueño Banks and Roncador Cay, situated in the western part of the Caribbean Sea, that is to say, that whereas both Governments have claimed the right of sovereignty over these Islands;

and

Doctor Enrique Olaya,

Minister of Colombia.

and whereas the interest of the United States lies primarily in the maintenance of aids to navigation; and whereas Colombia shares the desire that such aids shall be maintained without interruption and furthermore is especially interested that her nationals shall uninterruptedly possess the opportunity of fishing in the waters adjacent to those Islands, the status quo in respect to the matter shall be maintained and the Government of Colombia will refrain from objecting to the maintenance by the United States of the services which it has established or may establish for aids to navigation, and the Government of the United States will refrain from objecting to the utilization, by Colombian nationals, of the waters appurtenant to the Islands for the purpose of fishing.

The arrangement set forth in the Minister's note is satisfactory to the Secretary of State who understands such arrangement to be concluded by this

exchange of notes.

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

James B Kemp

Annex 3

TREATY BETWEEN COLOMBIA AND THE UNITED STATES OF AMERICA CONCERNING THE STATUS OF QUITASUEÑO, RONCADOR AND SERRANA (WITH EXCHANGES OF NOTES), BOGOTÁ, 8 SEPTEMBER 1972

(1307 UNTS 379)

Documents on pages to follow

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.

TREATY[1] 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

[SPANISH TEXT — TEXTE ESPAGNOL]

TRATADO ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMÉRICA Y EL GOBIERNO DE LA REPÚBLICA DE COLOMBIA RELATIVO A LA SITUACIÓN DE QUITASUEÑO, RONCADOR Y SERRANA

El Presidente de los Estados Unidos de América y el Presidente de la República de Colombia,

Deseosos de arreglar los asuntos existentes desde hace largo tiempo, concernientes a la situación de Quitasueño, Roncador y Serrana, con respecto a los cuales los Gobiernos de los dos países se comprometieron a mantener el statu quo mediante un Canje de Notas firmadas en Washington, el 10 de abril de 1928,

Han designado sus Plenipotenciarios, a saber:

El Presidente de los Estados Unidos de América al Embajador Extraordinario y Plenipotenciario en Colombia, señor Leonard J. Saccio;

El Presidente de la República de Colombia, al Ministro de Relaciones Exteriores doctor Alfredo Vázquez Carrizosa,

quienes después de haber canjeado sus Plenos Poderes y de hallarlos en buena y debida forma,

Han convenido en lo siguiente:

Artículo 1. De conformidad con los términos de este Tratado el Gobierno de los Estados Unidos de América renuncia por el presente a cualesquiera y a todas las reclamaciones de soberanía sobre Quitasueño, Roncador y Serrana.

Artículo 2. En reconocimiento del hecho de que ciudadanos y buques de Colombia y de los Estados Unidos están actualmente dedicados a la pesca en las aguas adyacentes a Quitasueño, ambos Gobiernos convienen en que, en el futuro, no habrá intervención por parte de ninguno de los Gobiernos ni por parte de sus ciudadanos o buques en las actividades de pesca de ciudadanos o buques del otro Gobierno en esta área.

Artículo 3. El Gobierno de la República de Colombia, conviene, además, en que con respecto de Roncador y Serrana garantizará a los ciudadanos y buques de los Estados Unidos la continuación de la pesca en las aguas adyacentes a estos cayos, sin otra limitación que las previstas en las notas adjuntas sobre derechos de pesca.

Artículo 4. Las disposiciones de los artículos anteriores 2 y 3 relacionados con la pesca estarán sujetas a cualesquiera obligaciones aceptadas por ambos Gobiernos de conformidad con las notas adjuntas sobre derechos de pesca y con los términos de cualquier Convenio internacional existente o futuro, relacionado con la pesca o asuntos afines.

Artículo 5. Cada uno de los dos Gobiernos convienen en que no celebrará, salvo de acuerdo con el otro Gobierno, ningún Convenio con un estado que no sea parte del presente Tratado, mediante el cual puedan ser afectados o menoscabados los derechos garantizados a ciudadanos y buques de la otra parte según este Tratado.

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 Nicaragua[1] 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 « serán determinadas »].

[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.

[TRANSLATION[1] — TRADUCTION[2]]

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:

"1) Con respecto al Artículo 2) de ese Tratado, ambos Gobiernos intercambiaran periódicamente sus puntos de vista sobre la conveniencia de adoptar medidas bilaterales o multilaterales de conservación.

"2) Con respecto al Artículo 3) de ese Tratado ambos Gobiernos entienden que las actividades pesqueras de los ciudadanos y buques de los Estados Unidos estarán sometidos a medidas razonables de conservación aplicadas por el Gobierno en la República de Colombia a todos los pescadores a los cuales se permita pescar en la actual zona de pesca adyacente a los cayos de Roncador y Serrana. El Gobierno de la República de Colombia conviene en que las medidas de conservación aplicadas a ciudadanos y buques de los Estados Unidos no serán discriminatorias en su naturaleza, ni más restrictivas que las aplicadas a ciudadanos y buques de la República de Colombia y a ciudadanos y buques de otros países a los cuales se permita pescar en esas aguas.

"3) Con respecto al Artículo 3) del Tratado el Gobierno de la República de Colombia entiende que el derecho de los nacionales y buques de los Estados Unidos de continuar el ejercicio de la pesca en las aguas adyacentes a Roncador y Serrana, no pejudicará los derechos existentes de los ciudadanos y buques de la República de Colombia ni los derechos de ciudadanos y buques de cualquier otro país, a los cuales el Gobierno de Colombia al presente o en el futuro les permita pescar o desarrollar actividades pesqueras en las aguas mencionadas. El Gobierno de la República de Colombia conviene en que, antes de poner en ejecución medidas de conservación que no se hallen actualmente en vigor, le dará aviso con razonable anticipación al Gobierno de los Estados Unidos sobre la naturaleza de tales reglamentos y de cualesquiera medidas necesarias que los ciudadanos y buques de los Estados Unidos deban cumplir con el fin de aplicar estos reglamentos. El Gobierno de la República de Colombia conviene también en realizar consultas con el Gobierno de los Estados Unidos de América, a solicitud de éste, sobre los efectos de tales reglamentos por aplicar sobre los derechos garantizados a los ciudadanos y buques de los Estados Unidos en virtud del Tratado firmado en esta fecha.

"Con respecto a las estipulaciones del Artículo 4) del Tratado, ambos Gobiernos entienden que futuros acuerdos multilaterales serán aplicados de una manera consistente con el derecho sin discriminación para el acceso por nacionales y buques de los Estados Unidos a las zonas de pesca, de acuerdo con las estipulaciones de otros Artículos del Tratado y de esta nota.

"Tengo el honor de proponer a Vuestra Excelencia que esta nota y su respuesta constituyen un Acuerdo entre nuestros Gobiernos sobre las materias examinadas anteriormente."

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

[TRANSLATION[1] — TRADUCTION[2]]

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 segun 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

[TRANSLATION[1] — TRADUCTION[2]]

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

Annex 4

TREATY ON THE DELIMITATION OF MARINE AND SUBMARINE AREAS AND RELATED MATTERS BETWEEN THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF PANAMA, 20 NOVEMBER 1976

(Archives of the Ministry of Foreign Affairs of Colombia)

Documents on pages to follow

No. 16398

COLOMBIA
and
PANAMA

Treaty on the delimitation of marine and submarine areas and related matters (with maps). Signed at Cartagena on 20 November 1976

Authentic text: Spanish.
Registered jointly by Colombia and Panama on 3 February 1978.

COLOMBIE
et
PANAMA

Traité relatif à la délimitation des zones marines et sous-marines et à des sujets connexes (avec cartes). Signé à Carthagène le 20 novembre 1976

Texte authentique : espagnol.
Enregistré conjointement par la Colombie et le Panama le 3 février 1978.

[TRANSLATION — TRADUCTION]

TREATY[1] ON THE DELIMITATION OF MARINE AND SUBMARINE AREAS AND RELATED MATTERS BETWEEN THE REPUBLIC OF PANAMA AND THE REPUBLIC OF COLOMBIA

The Republic of Panama and the Republic of Colombia,

Aware of the fact that international co-operation and reciprocity offer the best means of settling matters of common concern to friendly nations, especially when those nations are linked naturally by proximity;

Being of one mind with respect to the expediency and necessity of delimiting their marine and submarine areas in the Pacific Ocean and the Caribbean Sea;

Having agreed on the safeguarding of sovereignty and jurisdiction in the marine areas belonging to each country and of free and expeditious passage through them;

Believing the adoption of satisfactory measures for the preservation, conservation and exploitation of existing resources in those waters and the prevention, control and elimination of pollution therein to be in their mutual interest, and

Convinced of the desirability of the adoption by the two States of measures based on recent developments in the law of the sea,

Have decided to conclude a treaty and have for that purpose appointed as their Plenipotentiaries:

His Excellency the President of the Republic of Panama: His Excellency Mr. Aquilino E. Boyd, Minister for Foreign Affairs;

His Excellency the President of the Republic of Colombia: His Excellency Dr. Indalecio Liévano Aguirre, Minister for Foreign Affairs;

who, having exchanged their full powers, found to be in good and due form, have agreed on the following:

Article I. To designate as the boundary between their respective marine and submarine areas, irrespective of the legal regime established or to be established therein:

A. *In the Caribbean Sea*:

1. The median line whose points are all equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured, from the point at which the international land frontier meets the sea at Cape Tiburón (latitude 8° 41′07″3 north and longitude 77° 21′50″9 west) to a point situated at latitude 12° 30′00″ north and longitude 78° 00′00″ west.

   In accordance with the principle of equidistance hereby agreed upon, except for a few minor deviations which have been agreed upon in order to simplify the drawing of the line, the median line in the Caribbean Sea shall be constituted by straight lines joining the following points:

[1] Came into force on 30 November 1977, the date of exchange of the instruments of ratification, which took place at Panama, in accordance with article VII.

	Latitude north	*Longitude west*
Point A :	8° 41′ 07″ 3	77° 21′ 50″ 9
Point B :	9° 09′ 00″	77° 13′ 00″
Point C :	9° 27′ 00″	77° 03′ 00″
Point D :	10° 28′ 00″	77° 15′ 00″
Point E :	11° 27′ 00″	77° 34′ 00″
Point F :	12° 00′ 00″	77° 43′ 00″
Point G :	12° 19′ 00″	77° 49′ 00″
Point H :	12° 30′ 00″	78° 00′ 00″

2. From the point at latitude 12° 30′ 00″ north and longitude 78° 00′ 00″ west the delimitation of the marine and submarine areas belonging to each State shall be constituted by a series of straight lines joining the following points:

	Latitude north	*Longitude west*
Point H :	12° 30′ 00″	78° 00′ 00″
Point I :	12° 30′ 00″	79° 00′ 00″
Point J :	11° 50′ 00″	79° 00′ 00″
Point K :	11° 50′ 00″	80° 00′ 00″
Point L :	11° 00′ 00″	80° 00′ 00″
Point M :	11° 00′ 00″	81° 15′ 00″

From Point M, the delimitation continues in a straight line at azimuth 225° (45° south-west) to the point where the maritime boundaries with a third State require delimitation.

B. *In the Pacific*:

1. The median line whose points are all equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured, from the point at which the international land frontier meets the sea at latitude 7° 12′ 39″ 3 north and longitude 77° 53′ 20″ west to the point situated at latitude 5° 00′ 00″ north and longitude 79° 52′ 00″ west.

In accordance with the principle of equidistance hereby agreed upon, except for some minor deviations which have been agreed upon to simplify the drawing of the line, the median line in the Pacific Ocean shall be constituted by straight lines joining the following points:

	Latitude north	*Longitude west*
Point A :	7° 12′ 39″ 3	77° 53′ 20″ 9
Point B :	6° 44′ 00″	78° 18′ 00″
Point C :	6° 28′ 00″	78° 47′ 00″
Point D :	6° 16′ 00″	79° 03′ 00″
Point E :	6° 00′ 00″	79° 14′ 00″
Point F :	5° 00′ 00″	79° 52′ 00″

2. From the point situated at latitude 5° 00′ 00″ north and longtitude 79° 52′ 00″ west the delimitation of the marine and submarine areas belonging to each State shall be constituted by the parallel 5° 00′ 00″ as far as the point where delimitation with a third State is required.

Paragraph: The lines and points agreed upon are shown on the nautical charts which, having been signed by the plenipotentiaries, are appended to this Treaty as annexes I and II,[1] it being understood that the wording of the Treaty shall prevail in all cases.

Article II. To recognize and respect the procedures through which each State at present exercises or may in future exercise sovereignty, jurisdiction, surveillance, control or rights in the marine and submarine areas adjacent to its coasts delimited by virtue of this Treaty, in accordance with the conditions established or to be established by each country and with the regulations of its own domestic law.

Article III. In view of the great importance which the Republic of Panama attaches to express recognition by the Republic of Colombia, as the neighbouring country on the Gulf of Panama, of that gulf's status of historic bay, it has requested such recognition of Colombia.

The Republic of Colombia, aware that its express recognition that the Gulf of Panama has the status of historic bay is of great importance for the incontrovertibility of that status, declares that it has no objection to the provisions on that subject set forth by the Republic of Panama in Act No. 9 of 30 January 1956.

Article IV. The Republic of Panama and the Republic of Colombia shall, on a reciprocal basis, recognize, in the marine areas under their sovereignty, jurisdiction, surveillance or control, freedom of navigation, innocent passage and transit passage, as appropriate, for their vessels sailing in those areas. Such recognition shall apply without prejudice to the right of each Party to designate sea lanes and traffic separation schemes in its territorial sea, and to the observance of the provisions of the domestic law of each Party and of international law.

Article V. To promote co-operation between the two States in order to co-ordinate any conservation measures applied by each of them in the marine areas under its sovereignty, jurisdiction, surveillance or control, particularly in respect of species which migrate beyond their respective marine areas, taking into account for that purpose the recommendations of the competent agencies and the most reliable and up-to-date scientific data.

Such co-operation shall not affect the sovereign right of each State to adopt, within the framework of its respective jurisdiction, such rules and regulations as it deems appropriate.

Article VI. Each Party affirms its resolve to co-operate with the other, to the maximum extent possible, in the implementation of the most satisfactory measures to prevent, reduce and control any pollution of the marine environment, from whatever source, which may affect the neighbouring State, and to co-ordinate, as far as possible, any measures to that end provided for in its domestic law.

Article VII. This Treaty shall be submitted for ratification through the constitutional procedures of the High Contracting Parties and shall enter into force upon the exchange of instruments of ratification, which shall take place at Panama.

[1] See insert in a pocket at the end of this volume.

IN WITNESS WHEREOF, the Plenipotentiaries have signed this Treaty, in duplicate, on this twentieth day of November one thousand nine hundred and seventy-six, at Cartagena, Republic of Colombia.

[*Signed*]
AQUILINO E. BOYD

[*Signed*]
INDALECIO LIÉVANO AGUIRRE

Annex 5

TREATY ON DELIMITATION OF MARINE AND SUBMARINE AREAS AND MARITIME COOPERATION BETWEEN THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF COSTA RICA, 17 MARCH 1977

(Archives of the Ministry of Foreign Affairs of Colombia)

The Republic of Colombia and the Republic of Costa Rica,

Aware of that international co-operation and reciprocity constitute the best means to resolve the issues of common interest of friendly nations,

Agreeing on the convenience and need to proceed to the delimitation of their marine and submarine areas in the Caribbean Sea.

Knowledgeable as to the safeguard of the sovereignty and jurisdiction of the marine areas belonging to each country and of the open and expeditious communication through them.

Mutually interested in the adoption of adequate needs for the preservation, conservation and utilization of the available resources in said areas, and for the protection, control and elimination of the contamination thereof, have decided to conclude a treaty and to that effect have designated as their plenipotentiaries to wit:

His Excellency, the President of the Republic of Costa Rica, Mr. Gonzalo J. Facio, Minister of Foreign Affairs;

His Excellency, the President of the Republic of Colombia, Mr. Heraclio Fernández Sandoval, Ambassador Extraordinary and Plenipotentiary to Costa Rica;

Who, having communicated their respective full powers and which have been found in good and due form, have agreed the following:

Article One

To designate as the boundary between their respective marine and submarine areas, that are established or may be established in the future, the following lines:

A.- Starting on the intersection of a straight line drawn with an azimuth of 225º (45º Southwest) from a point located on latitude 11º 00' 00" North and longitude 81º 15' 00"

West, with parallel 10º 49’ 00” North. Along the cited parallel towards the West, until its intersection with meridian 82º 14' 00" West.

B.- From the intersection of parallel 10º 49' 00" North and the meridian 82º 14' 00" West, the boundary continues along the cited meridian towards the North up to where the delimitation shall be done with a third State.

Paragraph: The agreed lines and points are marked on the nautical chart that, signed by the Plenipotentiaries, is added to the present Treaty as an attachment, understanding that in any case the tenor of the Treaty shall prevail.

Article Two

To accept and respect the means by which each of the two States currently exercises or may exercise in the future its sovereignty, jurisdiction, surveillance, control or rights over the marine and submarine areas adjacent to their coasts, delimited by virtue of this Treaty, in accordance to what each country has established or may establish in the future and with the regulations of their national law.

Article Three

To develop the most ample cooperation between the two countries for the protection of the renewable and non-renewable resources that are found within the marine and submarine areas over which they exercise or may come to exercise in the future, sovereignty, jurisdiction or surveillance, and to use those resources for the benefit of their people and their national development.

Article Four

To propitiate the most ample international cooperation to coordinate the preservation measures that each State applies in the sea zones under their sovereignty or jurisdiction, in particular, with regard to species that migrate beyond their respective jurisdictional zones, taking into account the recommendations of the corresponding regional organizations and the most veritable and updated scientific data. That international cooperation shall not undermine the sovereign right of each State to adopt, within the scope of their respective maritime jurisdictions, the norms and regulations that they deem pertinent.

Article Five

To mutually provide the greatest possible facilities with the purpose of developing the activities of exploitation and utilization of the living resources of their respective mar-

itime jurisdictional zones, through the exchange of information, the cooperation on scientific research, the technical collaboration and the support to the creation of mixed enterprises.

Article Six

Each of the Parties manifests its decision to cooperate with the other, in accordance with its possibilities, in the application of the most adequate measures to prevent, diminish and control any contamination of the marine environment that affects the neighboring State, whichever the source thereof may be.

Article Seven

To propitiate the most ample cooperation to promote the expeditious development of international navigation in the seas subject to the sovereignty or jurisdiction of each State.

Article Eight

The present Treaty shall be submitted for its ratification, to the Constitutional proceedings of the High Contracting Parties and shall enter into force upon the exchange of the ratification instruments, which shall take place in the city of Bogotá, Republic of Colombia.

This Treaty is signed in duplicate, in the Spanish language, whose texts are equally authentic.

Signed in the city of San José, Republic of Costa Rica, on the seventeenth day of March of nineteen seventy-seven.

[signed, illegible]
GONZALO J. FACIO
Minister of Foreign Affairs

[signed, illegible]
HERACLIO FERNANDEZ SANDOVAL
Ambassador

Annex 6

TREATY CONCERNING DELIMITATION OF MARINE AREAS AND MARITIME COOPERATION BETWEEN THE REPUBLIC OF COSTA RICA AND THE REPUBLIC OF PANAMA, 2 FEBRUARY 1980

(DOALOS/OLA - UNITED NATIONS)

Documents on pages to follow

Treaty Concerning Delimitation of Marine Areas and Maritime Cooperation between the Republic of Costa Rica and the Republic of Panama (2 February 1980)

The Republic of Costa Rica and the Republic of Panama,

Convinced that cooperation is the most effective way of dealing with matters of common interest to nations, especially when they share the same geographic area;

Aware of the advisability and need to delimit their marine areas in the Caribbean Sea and the Pacific Ocean;

Fully convinced of the need to safeguard their sovereignty and jurisdiction over their respective marine areas, and the need for unimpeded and rapid transit through such areas;

Mutually interested in adopting appropriate measures to protect, preserve, and utilize the resources in the aforementioned areas and to prevent, control, and eliminate pollution in those areas;

Have resolved to conclude a Treaty and, to that end, have appointed their plenipotentiaries as follows:

His Excellency the President of the Republic of Costa Rica: His Excellency Rafael Angel Calderçn Fournier, Minister of Foreign Relations; and

His Excellency the President of the Republic of Panama: His Excellency Carlos Ozores Typaldos, Minister of Foreign Affairs.

Article 1

[The Republic of Costa Rica and the Republic of Panama have decided] to establish as the boundary between their marine areas the following lines:

A. Caribbean Sea (1)

B. Pacific Ocean (2)

(1) In the Caribbean Sea: The median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of each State is measured in accordance with public international law; from the termination of the land boundary between the two countries, at a point located in the mouth of the Sixaola River, latitude 09°34'16"North, longitude 82°34'00"West, along a straight line to a point located at latitude 10°49'00"North, longitude 81°26'08.2"West, where the boundaries of Costa Rica, Colombia and Panama intersect.

(2) In the Pacific Ocean: The median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of each State is measured in accordance wih international public law; the boundary between the maritime areas of the two countries shall consist of a straight line starting at the southernmost point of the land boundary at Punta Burica and terminating at a point at latitude 05° 00' 00" North and longitude 84° 19' 00" West.

Additional Clause: The lines and points agreed upon are shown on the nautical chart which is signed by the plenipotentiaries and is attached to this treaty as an annex with the agreement that, in all cases, the text of this treaty shall prevail.

Article 2

[The parties will] accept and respect the ways in which each of the two States currently exercises, or may exercise in the future, its sovereignty, jurisdiction, protection, control, or rights in the marine areas adjacent to its coasts, as delimited by this treaty, in accordance with the measures that each country has established or may establish in the future and with the regulations of its domestic law.

Article 3

The Republic of Panama, in view of the great importance of specific recognition by the Republic of Costa Rica, as a neighboring country, of the Gran Golfo de Panam§ (Gulf of Panama) as an historic bay, has requested such recogniton from Costa Rica.

The Republic of Costa Rica, aware that its specific recogniton that the Gran Golfo de Panam§ (Gulf of Panama) has the nature of an historic bay is very important insofar as the incontestability of that nature is concerned, declares that it does not object to the provisions to that effect set forth by the Republic of Panama in its Law No. 9 of January 30, 1956.

Article 4

[The parties will] cooperate fully in order to protect the renewable and non-renewable resources within the marine areas over which they exercise, or will exercise in the future, sovereignty, jurisdiction, or surveillance, and in order to utilize such resources for the benefit of their own countries.

Article 5

[The parties will] encourage the fullest international cooperation in order to coordinate the conservation measures each State applies in the areas of the sea under its sovereignty or jurisdiction, especially with respect to migratory species, taking into consideration the recommendations of competent agencies and the most reliable, up-to-date scientific data. Such international cooperation will not impair the sovereign right of each State to adopt, within the framework of its own marine jurisdiction, any rules and regulations that it deems appropriate.

Article 6

[The parties will] mutually facilitate in every way possible the development and utilization of living resources in their marine areas.

Article 7

Each party will cooperate with the other, to the best of its ability, in applying the most appropriate measures to prevent, reduce, and control pollution of the marine environment that may affect the neighboring State, regardless of the source. To that end, they will coordinate their efforts to the extent possible under domestic law.

Article 8

[The parties will] cooperate fully in encouraging expeditious movement of international navigation in the seas subject to each State's sovereignty or jurisdiction.

Article 9

Ratification of this treaty will be subject to the constitutional process of each of the contracting parties. The treaty will enter into force upon the exchange of the instruments of ratification in Panama City.

Annex 7

FISHING AGREEMENT BETWEEN THE REPUBLIC OF COLOMBIA AND JAMAICA (WITH ANNEX), 30 JULY 1981

(1295 UNTS 99)

Documents on pages to follow

No. 21408

COLOMBIA
and
JAMAICA

Fishing Agreement (with annex). Signed at Bogotá on 30 July 1981

Authentic texts: English and Spanish.
Registered by Colombia on 29 November 1982.

COLOMBIE
et
JAMAÏQUE

Accord relatif à la pêche (avec annexe). Signé à Bogotá le 30 juillet 1981

Textes authentiques : anglais et espagnol.
Enregistré par la Colombie le 29 novembre 1982.

FISHING AGREEMENT[1] BETWEEN JAMAICA AND THE REPUBLIC OF COLOMBIA

The Government of the Republic of Colombia and the Government of Jamaica,

Considering the traditional bonds of friendship which have existed between both countries,

Bearing in mind the common interest of both countries in the rational exploitation, the proper management and conservation of fishing resources,

Taking into account the contribution that a fisheries agreement will make to the satisfaction of the nutritional needs of the Jamaican people,

Desirous of establishing reasonable terms so that vessels under the Jamaican flag may carry out specific fishing activities in certain maritime areas of the Republic of Colombia identified in this Agreement,

Have agreed upon the following:

Article I. The Government of the Republic of Colombia shall grant fishing vessels under the Jamaican flag access to certain areas under Colombian jurisdiction and sovereignty referred to in Article II for the purpose of engaging in fishing activities under the conditions laid down in this Agreement.

Article II. Jamaican fishing vessels with the characteristics specified in Article III shall be able to undertake fishing activities in the following areas:

—The Bajo Nuevo Cay Zone: The area within the limit of 12 nautical miles, measured from the low water mark at Bajo Nuevo Cay;

—The Serranilla Cays Zone: The area within the limit of 12 nautical miles, measured from the low water mark of Serranilla Cays.

Article III. *a*) Jamaican fishing vessels shall only be able to catch species of the families listed below:

Spanish name	*Scientific name of the family*	*English name*
Meros, chernas, cabrillas	Serranidae	Groupers
Jureles	Carangindae	Jacks
Pargos	Lutjanidae	Snappers
Roncos	Pomadasydae	Grunt
Salmonetes	Mullidae	Goat-fish mullets
Peces loro	Scaridae	Parrot fishes
Peje puerco	Balistidae	Trigger fishes—filefish
Toyos	Carcharhinidae	Sharks
Macarela	Scombridae	King fish, mackerel

Provided, however, the species captured accidentally or by the catch may be disposed of by the fishermen.

b) The maximum annual catch permissible shall be the following:

—Bajo Nuevo Cay Zone: 360 metric tons per year;

—Serranilla Cays Zone: 480 metric tons per year.

[1] Came into force on 6 August 1982 by the exchange of the instruments of ratification, which took place at Bogotá, in accordance with article XIII.

c) The fishing gear to be used by the Jamaican fishermen shall be those classified as single composite line, traps, gill nets, trammel and lampara type nets light or bait. The use of fishing gear of other descriptions is prohibited.

d) The Government of Colombia shall permit no more than ten (10) vessels under the Jamaican flag to conduct fishing activities under this Agreement. These ten (10) vessels shall comprise five (5) independent fishing vessels and five (5) carrier vessels.

e) The specifications of all vessels shall not exceed the following:

1. Length: 75 feet;
2. Engines: 400 h.p.;
3. Net capacity of hold: 25 metric tons with refrigeration by ice;
   10 metric tons with automatic refrigeration.

f) Each carrier vessel assigned to a fishing zone as established in the present Agreement may have up to six (6) auxiliary boats of a maximum length twenty-eight (28) feet, powered by outboard motors of not more that forty (40) h.p., and have a crew of not more than five (5) fishermen in respect of each such boat.

g) The five (5) carrier vessels shall not operate any fishing equipment and shall be assigned in the following manner:

1. Three (3) in the Serranilla Cays Zone;
2. Two (2) in the Bajo Nuevo Cay Zone.

In a case where damage to one of [the] carrier vessels makes necessary its replacement for a long time, this carrier vessel shall be replaced by another with similar characteristics once the Jamaican Government has notified the Embassy of the Republic of Colombia in Kingston which shall authorize such replacement and communicate this to Inderena.

h) The five (5) independent fishing vessels shall be assigned in the following manner:

1. Three (3) in the Serranilla Cays Zone;
2. Two (2) in the Bajo Nuevo Cay Zone.

Article IV. Vessels under the Jamaican flag which, by virtue of this Agreement, undertake fishing expeditions in the areas under Colombian jurisdiction covered by this Agreement shall be subject to the relevant laws and regulations in force in Colombia regarding fishing, the conservation of living resources, the preservation of the environment, pollution, sanitation, navigation, and other relevant areas.

Article V. The Republic of Colombia shall permit temporary stationing of Jamaican fishermen on Serranilla and Bajo Nuevo Cays, in order to carry out fishing activities under this Agreement, subject to the following conditions:

a) They will be subject to Colombian rules, regulations, and laws;

b) All installations and works taking place within the Cays referred to must be subject to the prior approval of the Colombian Authorities;

c) It will be possible to have temporarily a maximum of 36 fishermen on Serranilla and 24 on Bajo Nuevo.

Article VI. The Government of Jamaica shall provide the Government of Colombia every three months with a general statistical information of fishing expeditions undertaken during the corresponding period. The format for the presentation of such information and the data which it ought to contain are described in Annex I.

Article VII. The representatives of the Government of Colombia shall have the right at any time to oversee the off-loading at any Jamaican port to verify the catch of the vessels authorized under this Agreement or that they have otherwise satisfied the provisions of this Agreement.

Article VIII. *a*) The Government of Jamaica in accordance with the provisions of Article III shall apply through the Embassy of the Republic of Colombia in Kingston for the appropriate permits for the vessels to be used for fishing expeditions indicating their characteristics and giving a precise account of their crew members and auxiliary boats. Such permits shall be valid for one calendar year and are renewable for a similar period.

b) Provided that the applications comply with the terms expressed in the present Agreement, the Government of Colombia through the Institute for Renewable Natural Resources and the Environment (Inderena) and Dirección General Marítima y Portuaria (Dimar) shall issue the appropriate permits, patents, and registration documents within a reasonable time.

c) The vessels should place the fishing patent in a visible place and have available the registration documents of the accompanying boats so that they may be verified at any time by the competent Colombian Authorities.

d) All fishermen as well as crew members of the above-mentioned vessels must be provided with identification cards issued by the Colombian Consulate in Kingston, with validity of twelve (12) months, and shall be renewable for a similar period.

Article IX. *a*) The fishing vessels engaged in fishing activities under this Agreement shall not be seized or detained by the Colombian Authorities unless they have breached the laws and regulations of the Republic of Colombia.

b) Any breach or offence involving Jamaican citizens or vessels referred to in this Agreement will be punishable under the laws of Colombia. However the punishment to be imposed by the Colombian Authorities on Jamaican fishermen or crew members who commit any violation of the regulations relating to fishing activities under this Agreement or regulations related to fishing or the conservation of living resources shall not include imprisonment.

c) In the event of any seizure or detention of a fishing vessel or any punishment to crew members of the said vessels or Jamaican fishermen, the Government of Colombia shall promptly notify the Government of Jamaica through the appropriate channels the facts causing the seizure or detention as well as the steps to be taken in connection with the fishermen, crew members or vessels.

d) The Colombian Authorities, upon the receipt of a reasonable surety or another appropriate guarantee, will promptly release any fishermen, crew members or vessels in its custody for any breach of the provisions concerning fishing activities contemplated in this Agreement or any other regulations governing fishing activities in Colombia.

e) The Government of Colombia will not apply in a discriminatory manner its laws and the other domestic regulations to Jamaican vessels, crew members or fishermen.

Article X. *a*) Either Party may request consultations with the other Party for the purpose of considering any question relating to the implementation of this Agreement.

b) Consultations within the terms of this Article shall begin within sixty (60) days from the date of the request for such consultations.

c) If either the Government of Jamaica or the Government of Colombia considers it desirable to modify any of the provisions of this Agreement or the annexes thereto, it may request consultations for that purpose.

d) Any such modifications, other that those relating to Article III, shall be subject to approval in accordance [with] the appropriate legal provisions required in each country and shall enter into force on the date of the exchange of the Instruments of Ratification.

e) Modifications to Article III shall enter into force on the exchange of notes by the respective Foreign Ministries.

Article XI. Nothing in this Agreement shall be considered as affecting the delimitation of the maritime spaces between the areas under the sovereignty and the national jurisdiction of each State.

Article XII. Differences arising concerning the interpretation or application of this Agreement shall be settled by the two Parties by diplomatic means or other means of peaceful settlement as recognized by international law.

Article XIII. The present Agreement shall be subject to approval in accordance with the appropriate legal procedures required in each country, and shall come into force on the date of exchange [of the] instruments of ratification.

Article XIV. The present Agreement shall remain in force for a period of two (2) years unless terminated by either Contracting Party by twelve (12) months' notice in writing. This Agreement is renewable by mutual Agreement between the two Parties.

DONE in this city of Bogotá this 30th day of July 1981, each in the English and Spanish languages, both texts being equally authoritative.

For the Government
of Jamaica:

[*Signed*]

NEVILLE GALLIMORE
Minister of State in the Ministry
of Foreign Affairs

For the Government
of Colombia:

[*Signed*]

CARLOS LEMOS SIMMONDS
Minister of Foreign Affairs

ANNEX No. 1

STATISTICAL INFORMATION

Species (name in English)	*Area of catch*	*Quantity in lbs.*	*Number of fishemen*	*Fishing method*	*Name of vessels, boats*
TOTAL					

Annex 8

AGREEMENT BETWEEN COLOMBIA AND THE UNITED STATES OF AMERICA ON CERTAIN FISHING RIGHTS IN IMPLEMENTATION OF THE TREATY BETWEEN COLOMBIA AND THE UNITED STATES OF AMERICA OF 8 SEPTEMBER 1972, CONCERNING THE STATUS OF QUITASUEÑO, RONCADOR AND SERRANA. BOGOTÁ, 24 OCTOBER 1983 AND 6 DECEMBER 1983

(2015 UNTS 4, USTIAS 10842)

Documents on pages to follow

No. 34623

United States of America
and
Colombia

Agreement between the United States of America and Colombia on certain fishing rights in implementation of the Treaty between the United States of America and Colombia of September 8, 1972, concerning the status of Quita Sueno, Roncador, and Serrana. Bogotá, 24 October 1983 and 6 December 1983

Entry into force: *6 December 1983 and definitively on 1 March 1984, in accordance with its provisions*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *United States of America, 18 May 1998*

États-Unis d'Amérique
et
Colombie

Accord entre les Etats-Unis d'Amérique et la Colombie concernant certains droits de pêche en application du Traité du 8 septembre 1972 entre les Etats-Unis d'Amérique et la Colombie relatif aux statuts de Quita Sueno, de Roncador et de Serrana. Bogotá, 24 octobre 1983 et 6 décembre 1983

Entrée en vigueur : *6 décembre 1983 et définitivement le 1er mars 1984, conformément à ses dispositions*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *États-Unis d'Amérique, 18 mai 1998*

[ENGLISH TEXT — TEXTE ANGLAIS]

I

THE AMERICAN EMBASSY TO THE COLOMBIAN MINISTRY OF FOREIGN RELATIONS

No. 711

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of Colombia and has the honor to refer to the Treaty between the Government of the United States of America and the Government of the Republic of Colombia concerning the status of Quita Sueno, Roncador, and Serrana, signed at Bogota on September 8, 1972[1] ("the Treaty") and to the accompanying exchange of notes concerning fishing rights. The Government of the United States notes that the Treaty and exchange of notes guarantee certain fishing rights to nationals and vessels of the United States. In order to ensure the effective implementation of these provisions, the Government of the United States proposes that the Parties establish the following procedures, effective March 1, 1984.

1. The Government of the United States shall provide annually to the Government of the Republic of Colombia a list of fishing vessels which intend to fish pursuant to the Treaty. The Government of the United States may add vessels to the list during the course of the year. However, fishing activity cannot be initiated until ten days after the date when the Government of the Republic of Colombia has been notified. The Government of the Republic of Colombia shall acknowledge receipt of the lists and shall provide gratis to the Government of the United States certificates ("the certificates or the certificate") to be transmitted to the listed vessels. The certificate shall be carried on board and shall be valid until December 31 of the year of issuance. United States flag fishing vessels shall be required to have only United States documentation and the certificate in order to fish in the areas referred to in Articles 2 and 3 of the Treaty and described in paragraph 5 below ("described areas").

2. The Government of the United States shall advise all United States vessels on the list to report to designated authorities of the Government of the Republic of Colombia of their arrival in and departure from the described areas. For the purpose of collecting statistics on the fishery resources, the notice of departure shall include a statement regarding the quantity and species of the catch. The Government of the Republic of Colombia shall advise the Government of the United States in a timely manner of the location of the Colombian authorities designated to receive reports from the vessels, as well as appropriate radio frequency and monitoring schedules for vessels.

3. The Colombian authorities may request of United States flag fishing vessels documents that normally are carried by such vessels, as well as the certificates. The United States authorities shall make every effort to ensure that the vessels on the list carry on board such documentation.

1. United Nations, *Treaty Series*, vol. 1307, p. 379.

4. (a) The Colombian authorities may board a United States flag vessel fishing in the described areas for the purpose of inspecting its documents and verifying the authenticity of the information contained therein. Such boarding, inspection and verification shall be conducted with a minimum of interference to the fishing vessel.

(b) If a vessel is not carrying on board United States documentation, but carries the certificate, the Government of the Republic of Colombia shall immediately notify the Government of the United States of this situation and seek verification of United States registry or nationality. If the Government of the United States confirms United States registry or nationality, the vessel shall be promptly released and shall be permitted to continue fishing.

(c) If a vessel is carrying on board United States documentation but not the certificate, it may not fish unless it is on or added to the list and the certificate has been issued. In this case, until December 31, 1984, a vessel may fish in the described areas without the certificate on board and the ten-day period set out in paragraph 1 shall not apply. However, the vessel may not fish in described areas unless the Embassy of the United States of America in Bogota retains the certificate on behalf of the vessel and makes it available for inspection by the Government of the Republic of Colombia.

(d) If a vessel is carrying on board neither United States documentation nor the certificate, it shall be required to leave the area and shall not be permitted to return until fifteen days have elapsed from the date of boarding, and the vessel is on or has been added to the list and the certificate has been issued. After December 31, 1984, the procedures set out in this subparagraph shall also apply to vessels that carry on board United States documentation but not the certificate.

5. The Parties agree that the adjacent waters to Quita Sueno described in Article 2 cover the area enclosed by coordinates 13 degrees 55 minutes north by 14 degrees 43 minutes north and 80 degrees 55 minutes west by 81 degrees 28 minutes west and the waters adjacent described in Article 3 are the areas within 12 nautical miles of Roncador and Serrana measured from the baselines from which the breadth of the territorial sea is measured.

6. The procedures established in this note shall be subject to modification only by mutual written agreement of both governments.

The Embassy of the United States of America proposes that the Government of the Republic of Colombia affirm by reply note the agreement of the Parties adopting these procedures to implement the Treaty of 1972 and the accompanying exchange of notes of September 8, 1972, concerning fishing rights.

Embassy of the United States of America
Bogota, October 24, 1983

[TRANSLATION - TRADUCTION][1]

No. 01763

The Ministry of Foreign Relations presents its compliments to the Embassy of the United States and has the honor to refer to the Treaty between the Government of the United States and the Government of Colombia concerning the status of Quita Sueno, Roncador, and Serrana, signed at Bogota on September 8, 1972 (the Treaty) and to the accompanying notes concerning fishing rights.

In order to regulate the fishing rights granted to United States citizens and vessels in the aforementioned instrument, the Government of Colombia agrees to establish the following procedures, which shall enter into force on March 1, 1984:

[*See note I*]

The Ministry of Foreign Relations avails itself of this opportunity to renew to the Embassy of the United States the assurances of its highest consideration.

Bogota, December 6, 1983

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

Annex 9

FISHING AGREEMENT BETWEEN THE REPUBLIC OF COLOMBIA AND JAMAICA, 30 AUGUST 1984

(*Diario Oficial*, Bogotá, 6 February 1986, Year CXXII, N° 37.336, p.8)

Documents on pages to follow

FISHING AGREEMENT BETWEEN THE GOVERNMENT OF JAMAICA AND THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA

The Government of the Republic of Colombia and the Government of Jamaica;

Recalling the Fishing Agreement between Jamaica and the Republic of Colombia of 6th August, 1982, which expired on 6th August 1984;

Considering the traditional bonds of friendship which have existed between both countries;

Bearing in mind the common interest of both countries in the rational exploitation, the proper management and conservation of fishing resources;

Taking into account the contribution that a Fisheries Agreement will make to the satisfaction of the nutritional needs of the Jamaican people and the willingness of the Colombian Government to make a contribution in this regard;

Noting that Bajo Nuevo and Serranilla allow the habitation and can sustain of their own the life of the Jamaican fishermen and facilitate the artisanal fishing activities as foreseen in this Agreement.

Desirous of concluding a new Agreement so that vessels under the Jamaican flag may continue to carry aut specific fishing activities in certain maritime areas of the San Andres archipelago identified in this Agreement;

Have agreed upon the following:

ARTICLE I

The Government of the Republic of Colombia shall grant fishing vessels under the Jamaican flag, access to certain areas under Colombian jurisdiction and sovereignty referred to in Article II for the purpose of engaging in fishing activities under the conditions laid down in this Agreement.

ARTICLE II

Jamaican fishing vessels with the characteristics specified in Article III shall be able to undertake fishing activities in the following areas:

The Bajo Nuevo Cay Zone:	The area within the limit of 12 nautical miles, measured from the low water mark of Bajo Nuevo Cay.
The Serranilla Cays Zone:	The area within the limit of 12 nautical miles, measured from the low water mark of Serranilla Cays.

ARTICLE III

a) Jamaican fishing vessels shall only be able to catch species of the families listed below:

Spanish Name	Scientific Name of the Family	English Name
Meros, Chernas, Cabrillas	Serranidae	Groupers
Jureles	Carangindae	Jacks
Pargos	Lutjanidae	Snappers
Roncos	Pamadasydae	Grunt
Salmonetes	Mullidae	Goat Fish
		Mullets
Peces Loro	Scaridae	Parrot Fishes
Peje Puerco	Balistidae	Trigger Fishes
		Filefish
Toyos	Carcharinidae	Sharks
Macarela	Scombridae	King Fish,
		Mackerel

provided, however, the species captured accidentally or the by-catch may be disposed of by the fishermen.

b) The maximum annual catch permissible shall be the following:

Bajo Nuevo Cay Zone	160 metric tons per year
Serranilla Cays Zone	430 metric tons per year.

c) The fishing gear to be used by the Jamaican fishermen shall be those classified as single composite line, traps, gill nets, trammel and lampara type nets, light or bait. The use of fishing gear of other descriptions is prohibited.

d) The Government of Colombia shall permit no more than ten (10) vessels under the Jamaican flag to conduct fishing activities under this Agreement. These ten (10) vessels shall comprise seven (7) independent fishing vessels and three (3) carrier vessels.

e) The specifications of all vessels shall not exceed the following:

1. Length : 75 feet
2. Engines : 400 H.P.
3. Net capacity of hold : 25 metric tons with refrigeration by ice.

   10 metric tons with automatic refrigeration.

f) Each carrier vessel assigned to a fishing zone as established in the present Agreement may have up to six (6) auxiliary boats of a maximum length of twenty eight (28) feet, powered by outboard motors of not more than forty (40) h.p. and have a crew of not more than five (5) fishermen in respect of each such boat.

g) The three (3) carrier vessels shall not operate any fishing equipment and shall be assigned to the Serranilla Cays Zone. In a case where damage to one of the carrier vessels makes necessary its replacement for a long time, this carrier vessel shall be replaced by another with similar characteristics once the Jamaican Government has notified the Embassy of the Republic of Colombia in Kingston which shall authorise such replacement and communicate this to INDERENA.

(h) The seven (7) independent fishing vessels shall be assigned in the following manner:

1. Four (4) in the Serranilla Cays Zone
2. Three (3) in the Bajo Nuevo Cay Zone

ARTICLE IV

Vessels under the Jamaican flag which, by virtue of this Agreement, undertake fishing expeditions in the areas under Colombian jurisdiction covered by this Agreement, shall be subject to the relevant laws and regulations in force in Colombia regarding fishing, the conservation of living resources, the preservation of the environment, pollution, sanitation, navigation, and other relevant areas including those which regulate the stay of foreigners in Colombia.

ARTICLE V

The Republic of Colombia shall permit temporary stationing of Jamaican fishermen on Serranilla and Bajo Nuevo Cays, in order to carry out fishing activities under this Agreement, subject to the following conditions:

a) They will be subject to Colombian rules, regulations, and laws.
b) All installations and works taking place within the Cays referred to must be subject to the prior approval of the Colombian authorities.
c) It will be possible to have temporarily a maximum of 28 fishermen on Serranilla and 12 on Bajo Nuevo

ARTICLE VI

The Government of Jamaica shall provide the Government of Colombia every three months with a general statistical information of fishing expeditions undertaken during the corresponding period. The format for the presentation of such information and the data which it ought to contain are described in Annex I.

ARTICLE VII

The representatives of the Government of Colombia shall have the right at any time to oversee the off-loading at any Jamaican port to verify the catch of the vessels authorised under this Agreement or that they have otherwise satisfied the provisions of this Agreement.

ARTICLE VIII

a) The Government of Jamaica, in accordance with the provisions of Article III, shall apply through the Embassy of the Republic of Colombia in Kingston for the appropriate permits for the vessels to be used for fishing expeditions indicating their characteristics and giving a precise account of their crew members and auxiliary boats. Such permits shall be valid for one calendar year and are renewable for a similar period.

b) Provided that the application comply with the terms expressed in the present Agreement, the Government of Colombia, through the Institute for Renewable Natural Resources and the Environment (Inderena) and Direccion General Maritima y Portuaria (Dimar), shall issue the appropriate permits, patents, and registration documents within a reasonable time.

c) The vessels should place the fishing patent in a visible place and have available the registration documents of the accompanying boats so that they may be verified at any time by the competent Colombian authorities.

d) All fishermen as well as crew members of the above-mentioned vessels must be provided with identification cards issued by the Colombian Consulate in Kingston, with validity of twelve (12) months, and shall be renewable for a similar period.

ARTICLE IX

a) The fishing vessels engaged in fishing activities under this Agreement shall not be seized or detained by the Colombian authorities unless they have breached the laws and regulations of the Republic of Colombia.

b) Any breach or offence involving Jamaican citizens or vessels referred to in this Agreement will be punishable under the laws of Colombia. However, the punishment to be imposed by the Colombian Authorities on Jamaican fishermen or crew members who commit any violation of the regulations relating to fishing activities under this Agreement or regulations related to fishing or the conservation of living resources shall not include imprisonment.

c) In the event of any seizure or detention of a fishing vessel or any punishment to crew members of said vessels or Jamaican fishermen, the Government of Colombia shall promptly notify the Government of Jamaica through the appropriate channels, the facts causing the seizure or detention as well as the steps to be taken in connection with the fishermen, crew or vessels.

d) The Colombian Authorities, upon the receipt of a reasonable surety or another appropriate guarantee, will promptly release any fishermen, crew members or vessels in its custody for any breach of the provisions concerning fishing activities contemplated in this Agreement or any other regulations governing fishing activities in Colombia.

e) The Government of Colombia will not apply in a discriminatory manner its laws and the other domestic regulations to Jamaican vessels, crew members or fishermen.

ARTICLE X

a) Either Party may request consultations with the other Party for the purpose of considering any question relating to the implementation of this Agreement.

b) Consultations within the terms of this Article shall begin within sixty (60) days from the date of the request for such consultations.

c) If either the Government of Jamaica or the Government of Colombia considers it desirable to modify any of the provisions of this Agreement or the annexes thereto, it may request consultations for that purpose.

d) Any such modifications, other than those relating to Article III shall be subject to approval in accordance to the appropriate legal provisions required in each country and shall enter into force on the date of the exchange of the Instruments of Ratification.

e) Modifications to Article III shall enter into force on the exchange of Notes by the respective Foreign Ministries.

ARTICLE XI

Nothing in this Agreement shall be construed as affecting the delimitation of the maritime spaces between the areas under the sovereignty and the national jurisdiction of each state.

ARTICLE XII

Differences arising concerning the interpretation or application of this Agreement shall be settled by the two parties by diplomatic means or other means of peaceful settlement as recognised by International Law.

ARTICLE XIII

The present Agreement shall be subject to approval in accordance with the appropriate legal procedures required in each country, and shall come into force on the date of exchange to instruments of ratification.

ARTICLE XIV

The present Agreement shall remain in force until the 22th August 1986 unless terminated by either Contracting Party by twelve (12) months notice in writing. Notwithstanding this provision, the Agreement may be terminated before of this date, any time by mutual consent.

Done in this City of Cali this 30th August, 1984 each in the English and Spanish language, both texts being equally authoritative.

For the Government
of Jamaica

NEVILLE E. GALLIMORE
Minister of State in the
Ministry of Foreign Affairs

For the Government
of Colombia

AUGUSTO RAMIREZ OCAMPO
Minister of Foreign Affairs

Annex 10

TREATY CONCERNING MARITIME DELIMITATION BETWEEN THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF HONDURAS, 2 AUGUST 1986

(2093 UNTS 26)

Documents on pages to follow

No. 36360

Colombia
and
Honduras

Treaty concerning maritime delimitation between the Republic of Colombia and the Republic of Honduras (with map). San Andrés, 2 August 1986

Entry into force: *20 December 1999 by the exchange of instruments of ratification, in accordance with article V*

Authentic text: *Spanish*

Registration with the Secretariat of the United Nations: *Colombia and Honduras, 21 December 1999*

Colombie
et
Honduras

Traité de délimitation maritime entre la République de Colombie et la République du Honduras (avec carte). San Andrés, 2 août 1986

Entrée en vigueur : *20 décembre 1999 par échange des instruments de ratification, conformément à l'article V*

Texte authentique : *espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *Colombie et Honduras, 21 décembre 1999*

[TRANSLATION -- TRADUCTION][1]

TREATY CONCERNING MARITIME DELIMITATION BETWEEN THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF HONDURAS

The Government of the Republic of Colombia

and

The Government of the Republic of Honduras

Reaffirming the ties of friendship which govern the relations between the two nations and conscious of the need to establish the maritime boundary between the two States;

Have resolved to enter into a Treaty, and for this purpose have designated their plenipotentiaries as follows:

His Excellency the President of the Republic of Colombia, to Mr. Augusto Ramirez Ocampo, Minister of Foreign Affairs; and His Excellency the President of the Republic of Honduras, to Mr. Carlos López Contreras, Secretary of Foreign Affairs,

who have agreed as follows:

Article I

The maritime boundary between the Republic of Colombia and the Republic of Honduras is formed by geodesic lines which connecting the points located at the following coordinates:

Point

1 Lat 14° 59 08" N Long 82° 00 00" W

2 Lat 14° 59 08" N Long 79° 56 00" W

3 Lat 15° 30 10" N Long 79° 56 00" W

4 Lat 15° 46 00" N Long 80° 03 55" W

5 Lat 15° 58 40" N Long 79° 56 40" W

Between points 4 and 5 the maritime boundary will be composed by an arc of circle whose radius is measured from a point located at coordinates 15° 47 50" N and 79° 51 20" W.

6 Lat 16° 04 15" N Long 79° 50 32" W

From the preceding point the maritime boundary will continue east on parallel 16° 04 15" N up to where the limits should be established with a third State.

1. Translation supplied by the Governments of Colombia and Honduras - Traduction fournie par les Gouvernement colombien et hondurien.

The agreed maritime boundary is shown, only for illustration purposes, on Nautical Chart 28000 published by the Defense Mapping Agency Hydrographic/Topographic Center, Washington DC, Edition 74 of March 30, 1985 which, signed by the plenipotentiaries, is attached to this Treaty[1], it being understood that at all events, the tenor of the Treaty shall prevail.

Article II

The delimitation described in the preceding Article will not prejudge the drawing of maritime boundaries already established or which may in the future be established between any of the contracting Parties and third States, provided that the said boundaries do not affect the jurisdiction recognized to the other contracting Party by this instrument.

Article III

A reservoir or deposit of hydrocarbons or natural gas which extends on both sides of the line established will be exploited in such a manner that the distribution of volumes of the resource extracted from that reservoir or deposit will be proportional to the volume of the same found on each side of the line.

Article IV

Any difference between the contracting Parties concerning the interpretation and application of this Treaty will be settled by the peaceful means established in international law.

Article V

This Treaty will be submitted for approval in accordance with constitutional procedures required in each of the contracting Parties and will enter into force upon exchange of the respective instruments of ratification.

1. See map in pocket at the end of this volume.

This Treaty is signed in two originals, whose texts are equally authentic and bear witness this second day of August on the year nineteen hundred and eighty-six, in San Andres, Archipelago of San Andres, Republic of Colombia.

For Colombia:

AUGUSTO RAMIREZ OCAMPO
Minister of Foreign Affairs
Colombia

For Honduras:

CARLOS LOPEZ CONTRERAS
Secretary of Foreign Affairs
Honduras

Annex 11

JOINT STATEMENT OF THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING A TEMPORARY BAN ON CONCH FISHING IN THE TREATY WATERS ADJACENT TO QUITASUEÑO, 23 JANUARY 1987

(Archives of the Ministry of Foreign Affairs of Colombia)

Documents on pages to follow

JOINT STATEMENT

OF THE COVERNMENT OF THE UNITED STATES OF AMERICA

AND THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA

REGARDING A TEMPORARY BAN ON CONCH FISHING

IN THE TREATY WATERS ADJACENT TO

QUITA SUENA

During informal consultations on January 21-23, 1987 in Bogota, representatives of the Government of the United States of America and the Government of the Republic of Colombia exchanged views as to the desirability of implementing conservation measures with respect to conch (Strombus gigas) resources in the waters adjacent to Quita Sueno which cover an area as described in paragraph 5 of the October 24 and December 6, 1983 exchange of notes (hereafter "the area").

After reviewing information available to scientists of both countries, it appears the conch stocks in the area are in danger of depletion. Representatives from both countries agreed to establish a temporary ban on the taking of conch in the area by their nationals and vessels fishing those waters in order to facilitate the recovery of the conch resources.

The representative of the Government of the United States indicated that nationals and vessels of the United States which receive certificates pursuant to the October 24 and December 6, 1983 exchange of notes will be notified of this temporary ban on the taking of conch in the area. The representative

also stated that the Government of the United States would not object to the enforcement of this conservation measure by the Government of the Republic of Colombia in this area, provided that such enforcement is non-discriminatory and applied to nationals and vessels of the Republic of Colombia and the other States which fish in the area. In the event this conservation measure is violated by a vessel of the United States it is agreed that the appropriate enforcement action by the Government of Colombia will be (1) to require the vessel to leave the area and (2) to immediately notify the Government of the United States of such action in accordance with the provisions of the 1983 exchange of notes.

The representatives of both Governments agreed to periodically review this conservation measure and to consult annually on the implementation of the conservation measure and the desirability of continuing this measure beyond the present year.

23 January 1987

Annex 12

AGREED MINUTES OF THE CONSULTATIONS ON THE 1972 VAZQUEZ-SACCIO TREATY, 5-6 OCTOBER 1989

(Archives of the Ministry of Foreign Affairs of Colombia)

Documents on pages to follow

AGREED MINUTES

In Washington, D.C., on October 5-6, 1989, Delegations from the United States of America and the Republic of Colombia held consultations on the treaty signed in 1972 concerning the status of Quita Sueno, Roncador and Serrana ("the treaty").

The list of Delegates from the United States of America and the Republic of Colombia is attached as Annex A.

It was agreed to proceed with an open agenda, with the general purpose of consulting with respect to conservation regulations proposed by the Government of Colombia to apply in treaty waters.

The head of the U.S. Delegation, Larry L. Snead, welcomed the Delegation of Colombia. He recalled the series of meetings in which the two sides had pursued their mutual interest in conserving fisheries resources in treaty waters and stressed the opportunity this session offered for building on the long history of friendly and cooperative fishery relations between the United States and Colombia. He reaffirmed the interest of the U.S. side to establish reasonable conservation measures that will be applied on a non-discriminatory basis in treaty waters.

In response, the alternate head of the Colombian Delegation, Fabio Torrijos, expressed his appreciation for the cordial welcome and the opportunity to build on the cooperative efforts of the recent past to build a solid foundation for conserving resources in treaty waters. He said that the Colombian side wishes to discuss the conservation steps taken by the Government of Colombia in waters adjacent to the Archipelago of San Andres y Providencia, which include treaty waters, and to work together to harmonize these steps with conservation measures that would become applicable to U.S. fishermen operating within treaty waters.

During discussions, the Delegations of both Governments recalled the treaty and its associated and subsequent implementing notes, the bilateral consultations held in Bogota in January 1987, and the meeting of scientists of both countries held in Miami in December 1987 to review the technical basis of the conservation measures that should be applied in treaty waters. The Delegations noted that the marine species of conch, Strombus gigas, and spiny lobster, Panulirus argus, Latreille, and P. laevicauda, Latreille, are organisms of slow growth and late sexual maturity and are subject to over exploitation as a result of their high economic value in the Caribbean region. In light of these

considerations, the Delegations agreed on the following conservation measures for the rational utilization of these species and in order to avoid a collapse of these fisheries:

1. With respect to the waters adjacent to Quita Sueno, the Representatives of both governments agreed that the temporary ban on conch fishing, agreed to in the Joint Statement of January 23, 1987, should be continued. Representatives also agreed that additional conservation measures should apply in these waters. The Representatives signed a Joint Statement to continue the ban and implement the other agreed conservation measures (Annex B).

2. With respect to the treaty waters adjacent to Roncador and Serrana, the Representatives agreed that the following conservation measures, to be adopted by the Government of Colombia, are reasonable and shall be applied, on a non-discriminatory basis, as of January 1, 1990, to the fishing activities of U.S. vessels:

a. There will be a closed season on fishing for conch Strombus gigas for the period of July 1 through September 30 of each year.

b. The capture or possession on board of conch whose weight is less than 225 grams for an uncleaned specimen or 100 grams for a cleaned specimen is prohibited.

c. The use of autonomous or semi-autonomous diving equipment (tanks or air hoses) for the extraction of hydrobiological resources, as well as the use of monofilament gillnets made from nylon or similar synthetic materials, is prohibited.

d. Information on fishing activity conducted by U.S. vessels operating in the area shall be included in a trip report form, as attached at Annex C. The forms will accompany certificates issued by the Government of Colombia pursuant to the 1983 exchange of notes, and will be completed and submitted by the certificate holder to the appropriate authorities within the Government of Colombia no later than December 31 of the year for which the certificate was valid.

e. Capturing or possessing any spiny lobster Panulirus argus, Latreille, and P. laevicauda, Latreille, with a tail length less than 14 centimeters, is prohibited. The measurement of the tail shall be taken from the anterior upper edge of the first abdominal somite to the posterior edge of the telson, including the natatorial membrane.

f. Capturing or possessing egg-bearing females, or females whose eggs have been forcibly removed, of spiny lobster Panulirus argus, Latreille, and P. laevicauda, Latreille, is prohibited.

g. No factory vessel, defined as a vessel which processes, transforms and packages hydrobiological resources on board, may operate in treaty waters.

3. The Representative of the Government of the United States indicated that nationals and vessels of the United States that receive certificates pursuant to the October 24 and December 6, 1983 exchange of notes will be notified of these conservation measures in effect in treaty waters. The Representative also stated that the Government of the United States would not object to the enforcement of these conservation measures by the Government of the Republic of Colombia in the treaty waters, provided such enforcement is non-discriminatory and applied to nationals and vessels of the Republic of Colombia and the other States that may fish in the area, and provided further that in the event a vessel of the United States is found to have violated an agreed conservation measure, enforcement by authorities of the Government of Colombia will be to (1) require the vessel to leave the area and (2) notify immediately the Government of the United States of such action in accordance with the provisions of the 1983 exchange of notes.

4. Both sides agreed on the need to impose appropriate penalties in the event of violation of these conservation measures. They agreed to consult as soon as possible regarding appropriate penalties that U.S. authorities would impose for violations of these conservation measures. The U.S. side emphasized the importance of obtaining information from Colombia to determine whether such penalties could be imposed in a particular case.

5. The Representatives of both Governments agreed that because an adequate data base is essential for the development of rational conservation measures, a system for gathering data in the treaty area should be established.

6. Both delegations reiterated the importance of compliance with provisions established in paragraph 2 of the 1983 exchange of notes regarding reports that U.S. fishing vessels shall make to Colombian authorities on entry into and departure from treaty waters. Both sides will communicate these concerns to the respective U.S. and Colombian interests concerned.

7. The Representatives of both Governments agreed to periodically review these conservation measures and to consult on the implementation of the conservations measures and the desirability of modifying these measures in the future.

October 6, 1989

Head of Delegation
United States of America

Head of Delegation
Republic of Colombia

Annex 13

JOINT STATEMENT OF THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING FISHERIES CONSERVATION MEASURES IN THE TREATY WATERS ADJACENT TO QUITASUEÑO, 6 OCTOBER 1989

(Archives of the Ministry of Foreign Affairs of Colombia)

Documents on pages to follow

Annex B

JOINT STATEMENT
OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA
REGARDING FISHERIES CONSERVATION MEASURES
IN THE TREATY WATERS ADJACENT TO
QUITA SUENO

During consultations on October 5-6, 1989 in Washington, D.C., representatives of the Government of the United States of America and the Government of the Republic of Colombia agreed to adopt the following conservation measures, as of January 1, 1990, in the waters adjacent to Quita Sueno, which are described in paragraph 5 of the October 24 and December 6, 1983 exchange of notes (hereafter "the area"):

1. With respect to the ban on fishing for conch (Strombus gigas) agreed to by the two governments on January 23, 1987, the two governments agreed to continue this ban.

2. The use of autonomous or semi-autonomous diving equipment (tanks or air hoses) for the extraction of hydrobiological resources, as well as the use of monofilament gillnets made from nylon or similar synthetic materials, is prohibited.

3. Information on fishing activity conducted by U.S. vessels operating in the area shall be included in a trip report form as attached to this Joint Statement. The forms will accompany certificates issued by the Government of Colombia pursuant to the 1983 exchange of notes, and will be completed and submitted by the certificate holder to the appropriate authorities within the Government of Colombia no later than December 31 of the year for which the certificate is valid.

4. Capturing or possessing any spiny lobster Panulirus argus, Latreille, and P. laevicauda, Latreille, with a tail length less than 14 centimeters, is prohibited. The measurement of the tail shall be taken from the anterior upper edge of the first abdominal somite to the posterior edge of the telson, including the natatorial membrane.

5. Capturing or possessing egg-bearing females, or females whose eggs have been forcibly removed, of spiny lobster Panulirus argus, Latreille, and P. laevicauda, Latreille, is prohibited.

6. No factory vessel, defined as a vessel which processes, transforms and packages hydrobiological resources on board, may operate in the area.

The representative of the Government of the United States indicated that nationals and vessels of the United States that receive certificates pursuant to the October 24 and December 6, 1983 exchange of notes will be notified of these conservation measures in effect in the area. The representative also stated that the Government of the United States would not object to the enforcement of these conservation measures by the Government of the Republic of Colombia in the area, provided such enforcement is non-discriminatory and applied to nationals and vessels of the Republic of Colombia and the other States that may fish in the area, and provided further that in the event a vessel of the United States is found to have violated an agreed conservation measure, enforcement by authorities of the Government of Colombia will be to (1) require the vessel to leave the area and (2) notify immediately the Government of the United States of such action in accordance with the provisions of the 1983 exchange of notes.

Both sides agreed that it is necessary to impose appropriate penalties in the event of violation of these conservation measures. They agreed to consult as soon as possible regarding appropriate penalties that U.S. authorities would impose for violations of these conservation measures. The U.S. side emphasized the importance of obtaining information from Colombia to determine whether such penalties could be imposed in a particular case.

Both Delegations reiterated the importance of compliance with provisions established in paragraph 2 of the 1983 exchange of notes regarding reports that U.S. fishing vessels shall make to Colombian authorities on entry into and departure from the area. Both sides will communicate these concerns to the respective U.S. and Colombian interests concerned.

The representatives of both Governments agreed to periodically review these conservation measures and to consult on the implementation of the conservations measures and the desirability of modifying these measures in the future.

6 October 1989

Head of Delegation
United States of America

Head of Delegation
Republic of Colombia

Annex 14

TREATY ON MARITIME DELIMITATION BETWEEN THE REPUBLIC OF COLOMBIA AND JAMAICA, 12 NOVEMBER 1993

(1776 UNTS 27)

Documents on pages to follow

No. 30943

COLOMBIA
and
JAMAICA

Maritime Delimitation Treaty (with chart). Signed at Kingston on 12 November 1993

Authentic texts: Spanish and English.

Registered by Colombia on 11 May 1994.

COLOMBIE
et
JAMAÏQUE

Traité de délimitation des zones maritimes (avec carte). Signé à Kingston le 12 novembre 1993

Textes authentiques : espagnol et anglais.

Enregistré par la Colombie le 11 mai 1994.

MARITIME DELIMITATION TREATY[1] BETWEEN JAMAICA AND THE REPUBLIC OF COLOMBIA

The Government of Jamaica and the Government of the Republic of Colombia;

CONSIDERING the bonds of friendship existing between both countries;

RECOGNIZING the common interests of both countries in considering issues related to the rational exploitation, management and conservation of the maritime areas between them, including questions relating to the exploitation of living resources;

ACKNOWLEDGING the interests which both countries have in concluding a maritime delimitation treaty;

TAKING into account recent developments in the law of the sea;

DESIROUS of delimiting the maritime areas between both countries on the basis of mutual respect, sovereign equality and the relevant principles of international law;

AGREE as follows:

[1] Came into force on 14 March 1994 by the exchange of the instruments of ratification, which took place at Santafé de Bogotá, in accordance with article 9.

ARTICLE 1

The maritime boundary between Jamaica and the Republic of Colombia is constituted by geodesic lines drawn between the following points:

	LATITUDE (North)	LONGITUDE (West)
1.	14o 29' 37"	78o 38' 00"
2.	14o 15' 00"	78o 19' 30"
3.	14o 05' 00"	77o 40' 00"
4.	14o 44' 10"	74o 30' 50"

5. From point 4, the delimitation line proceeds by a geodesic line in the direction to another point with coordinates 15o 02' 00"N, 73o 27' 30"W, as far as the delimitation line between Colombia and Haiti is intercepted by the delimitation line to be decided between Jamaica and Haiti.

ARTICLE 2

Where hydrocarbon or natural gas deposits, or fields are found in both sides of the delimitation line established in Article 1, they shall be exploited in a manner such that the distribution of the volumes of the resource extracted from said deposits or fields is proportional to the volume of the same which is correspondingly found on each side of the line.

ARTICLE 3

1. Pending the determination of the jurisdictional limits of each Party in the area designated below, the Parties agree to establish therein a zone of joint management, control, explo-

ration and exploitation of the living and non-living resources hereafter called "The Joint Regime Area."

a) The Joint Regime Area is established by the closed figure described by the lines joining the following points in the order in which they occur. The lines so joining the listed points are geodesic lines unless specifically stated otherwise.

POINT	LATITUDE (North)	LONGITUDE (West)
1.	16o 04' 15"	79o 50' 32"
2.	16o 04' 15"	79o 29' 20"
3.	16o 10' 10"	79o 29' 20"
4.	16o 10' 10"	79o 16' 40"
5.	16o 04' 15"	79o 16' 40"
6.	16o 04' 15"	78o 25' 50"
7.	15o 36' 00"	78o 25' 50"
8.	15o 36' 00"	78o 38' 00"
9.	14o 29' 37"	78o 38' 00"
10.	15o 30' 10"	79o 56' 00"
11.	15o 46' 00"	80o 03' 55"

The limit of the Joint Regime Area then continues along the arc of 12 nautical miles radius centred on a point at 15o 47' 50"N, 79o 51' 20"W, such that it passes to the West of Serranilla Cays to a point at 15o 58' 40"N, 79o 56' 40"W. The figure is then closed by the geodesic line to point 1.

b) The Joint Regime Area excludes the maritime area around the cays of Serranilla Bank comprised with-

in the outermost arc of the Circle of 12 nautical miles radius centred at a point 15o 47' 50"N, 79o 51' 20"W, such that it passes through points 15o 46' 00"N, 80o 03' 55"W and 15o 58' 40"N, 79o 56' 40"W.

c) The Joint Regime Area will also exclude the maritime area around the cays of Bajo Nuevo comprised within the outermost arc of the circle of 12 nautical miles radius centred at the point 15o 51' 00"N, 78o 38' 00"W.

2. In the Joint Regime Area, the Parties may carry out the following activities:

a) exploration and exploitation of the natural resources, whether living or non-living, of the waters superjacent to the seabed and the seabed and its subsoil, and other activities for the economic exploitation and exploration of the Joint Regime Area

b) the establishment and use of artificial islands, installations and structures

c) marine scientific research

d) the protection and preservation of the marine environment

e) the conservation of living resources

f) such measures as are authorized by this Treaty, or as the Parties may otherwise agree for ensuring compliance with and enforcement of the regime established by this Treaty.

3. Activities relating to exploration and exploitation of non-living resources, as well as those referred to in paragraph 2(c) and (d), will be carried out on a joint basis agreed by both Parties.

4. The Parties shall not authorize third States and international organizations or vessels of such States and organizations to carry out any of the activities referred to in paragraph 2. This does not preclude a Party from entering into, or authorizing arrangements for leases, licences, joint ventures and technical assistance programmes in order to facilitate the exercise of the rights pursuant to paragraph 2, in accordance with the procedures established in Article 4.

5. The Parties agree that in the Joint Regime Area, each Party has jurisdiction over its nationals and vessels flying its flag or over which it exercises management and control in accordance with international law.

Provided that in any case where it is alleged by one Party that nationals or vessels of the other Party have breached, or are breaching the provisions of this Treaty and any measures adopted by the Parties for their implementation, the Party alleging the breach shall bring it to the attention of the other Party, following which both Parties shall forthwith commence consultations with a view to arriving at an amicable settlement within 14 days.

On receipt of the allegation, the Party to whose attention the allegation has been brought shall, without prejudice to the consultations referred to in the above paragraph:

a) in relation to an allegation that a breach has been committed, ensure that the activities, the subject matter of the allegation, do not recur

b) in relation to an allegation that a breach is being committed, ensure that the activities are discontinued

6. The Parties agree to adopt measures for ensuring that nationals and vessels of third States comply with any regulations and measures adopted by the Parties for implementing the activities set out in paragraph 2.

ARTICLE 4

1. The Parties agree to establish a Joint Commission, herein after called "The Joint Commission," which shall, elaborate the modalities for the implementation and the carrying out of the activities set out in paragraph 2 of Article 3, the measures adopted pursuant to paragraph 6 of Article 3 and carry out any other functions which may be assigned to it by the Parties for the purpose of implementing the provisions of this Treaty.

2. The Joint Commission shall consist of one representative of each Party, who may be assisted by such advisors as is considered necessary.

3. Conclusions of the Joint Commission shall be adopted by consensus and shall be only recommendations to the Parties. Conclusions of the Joint Commission when adopted by the Parties shall become binding on the Parties.

4. The Joint Commission shall begin its work immediately on the entry into force of this Treaty and shall, unless the Parties agree otherwise, conclude the tasks identified in paragraph 1 of this Article within six months from the commencement of its work.

ARTICLE 5

Geodetic data are based on the World Geodetic System (1984).

ARTICLE 6

For illustrative purposes only, the delimitation line and the Joint Regime Area are shown on a U.S. Defence Mapping Agency Chart 402,[1] which is attached. In the event of conflict between the coordinates and the Chart, the coordinates will prevail.

ARTICLE 7

Any dispute between the Parties on the interpretation or application of this Treaty shall be settled by agreement between the two countries in accordance with the means for the peaceful settlement of disputes provided for by international law.

ARTICLE 8

This Treaty shall be subject to ratification.

ARTICLE 9

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

[1] See chart in a pocket at the end of this volume.

ARTICLE 10

Done in English and Spanish, each text being equally authentic.

IN WITNESS WHEREOF THE MINISTERS OF FOREIGN AFFAIRS OF BOTH COUNTRIES HAVE SIGNED THE PRESENT TREATY.

Done in Kingston this 12th day of November, 1993.

For the Government of Jamaica:

PAUL DOUGLAS ROBERTSON

For the Government of the Republic of Colombia:

NOEMI SANIN

Annex 15

AGREED MINUTES OF THE III MEETING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA IN COMPLIANCE WITH THE 1972 VAZQUEZ-SACCIO TREATY, 17-18 MAY 1994

(Archives of the Ministry of Foreign Affairs of Colombia)

1994 MINUTES OF THE III MEETING BETWEEN THE GOVERNMENTS OF COLOMBIA AND THE UNITED STATES OF AMERICA IN COMPLIANCE WITH THE VASQUEZ-SACCIO TREATY OF 1972

Between the 17th and 18th of May nineteen ninety-four (1994), it was held in the city of Cartagena de Indias, Republic of Colombia, the III Meeting between the Delegations of Colombia and the United States of America in compliance with the Vazquez-Saccio Treaty of 1972. The Delegations are composed by the persons included in Annex 1.

The meeting was opened by doctor JESUS ARTURO GALVEZ VALEGA, Director-General of Territorial Sovereignty of the Ministry of Foreign Affairs of Colombia, who gave a warm welcome to the Delegation of the United States of America and registered with satisfaction that the restart of the regular exchange about the measures of conservation, in compliance with the provisions of the Vazquez-Saccio Treaty of 1972 and the engagement taken by our respective Governments, as a testimony of the ties of friendship and cooperation that link both our Nations.

On behalf of the Delegation of the United States, mister BRIAN HALLMAN, stressed how the Government of Colombia has complied with the engagements taken at the international level that aim at the preservation and sustainable development of the fishery resources to the point that one can assert that it is an example at the Latin American level. Therefore the Government of the United States takes part in this meeting with the best disposition and convinced that the work will be highly productive for the two countries.

Next and having regard to point 1 of the Agenda, doctor JESUS ARTURO GALVEZ VALEGA, President of the Delegation of Colombia opened the meeting.

Later the two Delegations agreed to develop the agenda that is included as Annex 2 of this Minute.

According to point 2 of the agenda, the Delegation of Colombia, read the record of the previous periodical meetings about fishery and the measures of conservation for a ration-

al and adequate management aimed at the sustainable use and responsible fishing in order to guarantee the conservation of the fishery resources, in compliance with Articles 2 and 3 of the Vazquez-Saccio Treaty.

With regard to point 3A of the Agenda, related to the revision of the state of the fisheries, the Delegation of Colombia presented a brief account on the matter, in which it emphasized on the biodiversity of the Caribbean area. Deducting from it that the extraction of the fishery resource is exercised mainly over the following species: Caribbean queen conch, Strombus Gigas, spiny lobster Panulirus Laevicauda and P. argus and regarding the fish it is exercised over snappers, goliath groupers and sharks. Likewise, it mentioned that in the area of the Treaty there are 44 vessels of national and foreign flag affiliated to Colombian companies which unload the catch in San Andres and Cartagena. Lobster and conch sales are directed in 90% to the foreign market and 10% to the national market.

Regarding point 3B of the Agenda, the Delegation of the United States expressed that a total of 17 vessels had journey reports during the period from April 1990 to March 1994, most of the journey reports did not report any fishing activity in the waters of the treaty. Only 7 of the 17 vessels entered the waters of the Treaty. Those vessels remained for a total of 275 days dedicated to fishing in the waters of the Treaty, distributed in 26 journeys. Equally a total of 67.070 kilograms of fish coming from reefs were unloaded, followed by conch meat (4.958 Kg) and lobster (Panulirus SPP), 712 Kg. Most of the unloaded fish were fished with fishing poles (55.305 Kg), an 1.489 Kg were obtained using long lines, 189 Kg through lobster pots, and finally 88 Kg were obtained through diving with no equipment. Conch were unloaded exclusively by scuba divers (472 Kg) and by using lobster pots (240 Kg). The data regarding lobster pots is based on one single vessel which carried five lobster pots. Specific data and tables are included as annex 3 of this minute.

Regarding point 4 of the Agenda, account on the Colombian fishing legislation, the Delegation of Colombia presented its fishery rules: Law 13 of 1990 and its Statutory Decree N° 2256 of 1991. Reference was also made to Law 47 of 1993, “By means of which special rules for the organization and functioning of the Department Archipelago of San Andres, Providencia and Santa Catalina are established”, as well as Law 99 of 1993, “By means of which the Minister of the Environment is created, the public sector responsible for the Management and Conservation of the Environment and Natural Renewable Resources, the Environmental National System (SINA) is organized, and other provisions are established”. (Annex 4, 4A and 4B) of the present Minutes.

The Delegation of the United States presented its rules for implementation, 50 CFR, 695.

The two parties reaffirm the measures of conservation following the agreement of the consultations that took place in Washington D.C. between the 5th and the 6th of October 1989.

Furthermore they agreed to implement the following new measure of conservation for the waters of the Treaty adjacent to Roncador and Serrana, since January 1st 1995.

- To reduce the mortality due to fishing with "ghost" traps, that is to say fish and lobster traps, it is necessary that escape structures be placed in the traps that are not made of wood. Those structures must be built with or have biodegradable materials attached to them.

Regarding the waters adjacent to Quitasueño, representatives of both governments, agreed that the same additional measure of conservation must be applied accordingly with the joint Statement annexed.

Regarding point 5 of the Agenda, the Delegation of Colombia presented the elements for a "Strategy of sustainable management of the fishery resources in the area of the Vazquez-Saccio Treaty" that is included as annex 5 of the present minutes.

The Delegation of the United States of America considers that with regard to point 5 of the agenda about "Strategies of Sustainable Management of the Fishery Resources in the Area of the Vazquez-Saccio Treaty" there are three (3) key points that must be taken into account:

1) The reports of catch shall be presented by North-American vessels to the Colombian authorities seven (7) days after the end of the journey.

   The North-American authorities in a reasonable time shall send to the Colombian authorities the reports of catch through the Embassy of the United States in Colombia. The Delegation of the United States of America requested that the Colombian authorities issue the certificates faster.

2) The Delegation of the United States of North-America, shall recommend that the Colombian authorities be authorized to board American vessels that navigate in the area of the Treaty, to verify the compliance with the measures of conservation established in 50 CFR 695.

   This additional authorization shall enter into force after a formal exchange of diplomatic notes between the two countries.

   To take biological samples in the sea, coming from the catch of vessels bearing American flag, both parties agreed to develop specific objectives and procedures for the monitoring and take of biological samples through scientific consultations recommended to the authorities of both governments.

3) Referring to the additional information requested by the Colombian Delegation, to the Delegation of the United States of America it was agreed to modify the existing form and that it enters into force since the fishing season in the year 1995.

As an additional point, the Delegation of the United Sates of America stated that because of technical procedures, it cannot supply at the moment the photography in colours of each vessel, but proposes instead that the license number be placed in a visible spot on the vessel's hull. This proposal was accepted by the Delegation of Colombia.

Referring to the sending of certificates in due time by the Colombian Government, the Delegation of that same Government, has informed that these have been sent on time by the intermediary of the Colombian Ministry of Foreign Affairs.

However, to promote cooperation and concerting between both countries, both Governments shall make their best efforts to speed up the issuance of certificates and fishing expedition reports.

Scientific Workgroup

An Ad Hoc scientific group was created to discuss the data of fishing activities reported by the delegations of both countries. The former is included in annex 6.

A meeting was recommended, before the end of the year, between scientists of both delegations. The purpose of this meeting is to develop an action plan aimed at evaluating the fishery resources of the Treaty area, their habitat and potential environmental problems that might threaten the sustainable development of these resources.

The group also recommended that an official contact point be established between the United States and Colombia with the aim of facilitating the exchange of technical and scientific information.

On the other hand, in point 6 of the Agenda, the delegations agreed in principle to celebrate the Fourth Consultation Meeting in compliance with the Vazquez-Saccio Treaty of 1972 in the United States of America in the year 1995, in the date and place that are determined through the diplomatic channels.

The Delegation of the United States stated its profound acknowledgement for all the attentions it received from the Delegation of Colombia and the authorities of the Ministry of Foreign Affairs.

In the closing act DR. ALEJANDRO LONDOÑO, General Manager of the INPA, praised the advance reached by both delegations with regard to the VAZQUEZ-SACCIO Treaty.

The present Minute read, as well as its (six annexes) and being found in accordance in all its parts, in the presence of the Director-General of Territorial Sovereignty, doctor JESUS ARTURO GALVEZ VALEGA, President of the Delegation of Colombia and of mister BRIAN HALLMAN, Head of the Delegation of the United States of America,

approved and signed this Minute, in the city of Cartagena de Indias on the eighteenth (18) day of the month of May nineteen ninety-four (1994).

Done in Spanish and translated into English.

(Signed)
HEAD OF THE DELEGATION OF THE REPUBLIC OF COLOMBIA

(Signed)
HEAD OF THE DELEGATION OF THE UNITED STATES OF AMERICA

Annex 16

JOINT STATEMENT OF THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING FISHERIES CONSERVATION MEASURES IN THE TREATY WATERS ADJACENT TO QUITASUEÑO, 18 MAY 1994

(Archives of the Ministry of Foreign Affairs of Colombia)

During the consultations of May 17th and 18th, 1994 in Cartagena de Indias, Colombia, the representatives of the Government of the United States of America and the Government of the Republic of Colombia agreed to adopt the following measure of conservation since the 1st of January 1995, in the waters adjacent to Quitasueño, which are described in Paragraph 5 of the exchange of notes (referred to from now on as the area's) of October 24th and December 6th 1993.

The lobster traps used to catch fish or spiny lobster Panulirus argus Latreille and P. Laevicauda Latreille must have escape panels. The said escape panels must be manufactured in a biodegradable material.

The representatives of both Governments agree to review periodically this measure of conservation and to make consultations about the setting up of the measure of conservation and the possibility of modifying this measure in the future.

18th of May 1994

(Signed)
HEAD OF THE DELEGATION OF THE REPUBLIC OF COLOMBIA

(Signed)
HEAD OF THE DELEGATION OF THE UNITED STATES OF AMERICA

Annex 17

EXCHANGE OF NOTES BETWEEN THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF COSTA RICA OF 29 MAY 2000: COLOMBIAN NOTE N° DM-M 14081, COSTA RICAN NOTE N° 396-UAT-PE

(2139 UNTS 409-410)

Documents on pages to follow

[EXCHANGE OF NOTES]

I

THE MINISTER OF FOREIGN AFFAIRS AND RELIGIOUS OBSERVANCE

San Jose, 29 May 2000

No. 396-UAT-PE

Your Excellency,

I have the honor to address Your Excellency with reference to the process of ratification of the Treaty on Delimitation of Marine and Sub-marine Spaces and Maritime Cooperation between the Republic of Colombia and the Republic of Costa Rica signed in Bogota on 6 April 1984.

The opinion of the Government of Costa Rica is that in accordance with the terms of Article 24, paragraph 1 of the Vienna Convention on the Law of Treaties, the entry into force of the Treaty in question will be that on which instruments of ratification are exchanged; and that this procedure will be undertaken on the date and in the manner which our Governments deem convenient.

In this regard, it considers that the change of the date fixed in Article III of the said Treaty of 6 April 1984 in no way alters its object and purpose.

Likewise, the Government of Costa Rica states that the internal process of approval of the Treaty on Delimitation of Marine and Sub-marine Spaces and Maritime Cooperation between the Republic of Colombia and the Republic of Costa Rica, signed on 17 March 1977 and referred to in the Treaty of 6 April 1984, will continue in the same situation as before until the internal constitutional requirements for the approval of treaties have been satisfied and ratification instruments are exchanged at the appropriate time.

The Government of Costa Rica wishes to know whether the illustrious Government of Colombia agrees with the contents of this Note.

I beg Your Excellency to accept my expression of the highest esteem.

ROBERTO ROJAS

To His Excellency
Guillermo Fernandez de Soto
Minister of Foreign Affairs
Republic of Colombia

II
REPUBLIC OF COLOMBIA

MINISTRY OF FOREIGN AFFAIRS

San Jose, 29 May 2000

DM-M 14081

Dear Minister,

I have the honor to address Your Excellency with regard to your Note 396-UAT-PE of 29 May 2000.

I am pleased to state to Your Excellence that the Government of Colombia shares the criterion that in accordance with the terms of Article 24, paragraph 1 of the Vienna Convention on the Law of Treaties, the entry into force of the Treaty on Delimitation of Marine and Sub-marine Spaces and Maritime Cooperation between the Republic of Costa Rica and the Republic of Colombia signed in Bogota on 6 April 1984, will be that on which instruments of ratification are exchanged; and that this procedure will be undertaken on the date and in the manner which our Governments deem convenient.

My Government also considers that the change of the date established in Article III of the said Treaty in no way alters its object and purpose.

My Government also shares the position of the illustrious Government of Costa Rica that the observance and application of the Treaty on Delimitation of Marine and Sub-marine Spaces and Maritime Cooperation between the Republic of Colombia and the Republic of Costa Rica signed on 17 March 1977, will continue in the same situation as before until internal constitutional requirements for the approval of treaties have been satisfied and ratification instruments are exchanged at the appropriate time.

Nonetheless, the Government of Colombia trusts that the procedures for the approval by the Legislative Assembly of the Republic of Costa Rica of the above mentioned Treaty of 1977 will continue to progress and that in due time the instruments of ratification will be exchanged in a manner similar to that in which the illustrious Government of Costa Rica has proceeded with regard to the Treaty of 1984.

I beg Your Excellency to accept my expressions of the highest esteem.

GUILLERMO FERNANDEZ DE SOTO
Minister of Foreign Affairs

To His Excellency
Roberto Rojas Lopez
Minister of Foreign Affairs and Religious Observance
Republic of Costa Rica

Annex 18

PROTOCOL OF EXCHANGE OF RATIFICATIONS OF THE TREATY ON THE DELIMITATION OF MARINE AND SUBMARINE AREAS AND MARITIME COOPERATION BETWEEN THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF COSTA RICA OF 6 APRIL 1984, ADDITIONAL TO THAT SIGNED IN THE CITY OF SAN JOSÉ ON 17 MARCH 1977, 20 FEBRUARY 2001

(Ministerio de Relaciones Exteriores, *Delimitación de Áreas Marinas y Submarinas y Cooperación Marítima entre la República de Colombia y la República de Costa Rica,* Bogotá, Serie de Documentos, Fondo Editorial Cancillería de San Carlos, 2001, pp. 63- 64)

PROTOCOL OF EXCHANGE

His Excellency, Mr. Guillermo Fernández de Soto, Minister of Foreign Affairs of the Republic of Colombia, and His Excellency, Mr. Roberto Rojas López, Minister of Foreign Affairs and Public Worship of the Republic of Costa Rica, gathered in San José, Costa Rica, on the 20 February 2001, at the Casa Amarilla, seat of the Ministry of Foreign Affairs and Public Worship, in order to effect the Exchange of Instruments of Ratification of the Treaty on the Delimitation of Marine and Submarine Areas and Maritime Cooperation between the Government of the Republic of Colombia and the Government of the Republic of Costa Rica, signed in Bogotá, Colombia, on the sixth (6) day of April 1984, on behalf of their respective Government, declares:

That the change of the date stipulated on Article III of this Treaty, to proceed to the exchange of Instruments of Ratification, in no way alters the object and purpose of that Treaty.

That by exchange of diplomatic notes 396-UAT-PE of 29 May 2000 of the Ministry of Foreign Affairs and Public Worship of the republic of Costa Rica and DM-M-14081 of 29 May 2000 of the Ministry of Foreign Affairs of Colombia, it was agreed that the exchange of the respective Instruments of Ratification would take place in the manner and on the date that the two Governments see fit.

That the compliance of the 'Treaty on the Delimitation of Marine and Submarine Areas and Maritime Cooperation' signed on March 17, 1977, will continue in the current condition until the exchange of the respective instruments of ratification of that treaty is carried out.

Consequently, they proceed to exchange the respective Instruments of Ratification of the Treaty on the Delimitation of Marine and Submarine Areas, signed in the city of Bogotá, on the 6th day of April 1984, with which the aforesaid instrument enters into force today, the 20 of February 2001.

For the Government of the
Republic of Costa Rica
(signed)
ROBERTO ROJAS

For the Government of the
Republic of Colombia
(signed)
GUILLERMO FERNANDEZ DE SOTO

COLONIAL DOCUMENTS

Annex 19

LETTER ADDRESSED BY THE ISLANDERS OF SAN ANDRÉS TO THE KING OF SPAIN, 25 NOVEMBER 1802. ENCLOSURE II OF TOMÁS O'NEYLLE'S LETTER OF 5 DECEMBER 1802

(M. PERALTA, *Límites de Costa Rica y Colombia*, Madrid, Manuel Ginés Hernández Impresor, 1890, pp. 176-182)

San Andrés, November 25, 1802.

Sir:

The inhabitants of the Island of San Andrés, humbly kneeling before Your Royal Majesty's feet, request the establishment -arising from the favor we received from your Royal Mercy, and our establishment under the royal care and protection having been established- the designation of Captain Mr. Tomás O'Neylle that was made in the year of 1795, by your government, but the latter did not arrive to the Island until April 1797, since he was engaged in the French part of Santo Domingo in affairs of the Royal Service. As soon as he arrived, we devoted ourselves to the cultivation of our lands, and began to embark our cotton, that is America's best, to the Port of Cartagena, and we continued to work not only on our plantations but in the rehabilitation of roads and in the preparation for developing the colony, under the direction and views of our governor; but despite the reasons given by him, on his arrival, to the Captain General of Guatemala, including a request for the inhabitants and the slaves, requesting the shipment of 25 or 30 men, a chaplain and other things he needed for the establishment of the colony, after six months, he received a reply to continue onwards to the Province of Nicaragua, through the San Juan River, to receive orders or instructions regarding the defense of this island.

According to such orders from his superiors, he left here in November of the same year, assuring us that he would return within two months, but unfortunately, these two months became three years; this is due to his having been named Commander in the Fort of San Carlos for four or five months; during another period of time he was in charge of the naval force in that lake and later he got to be Commander of the Station in Trujillo, Honduras, charge to which he resigned after 18 months in response to our clamor and due to the insurrection of slaves that took place in October 1799, and if it had not been for the miraculous arrival of the navy lieutenant Nicolás de Toro, on board of His Majesty's ship *"San José"*, God knows how far the issue would have gone in the critical situation in which we found ourselves at the time.

During the absence of our governor, we have undergone all the calamities that can be mentioned. We were invaded by the corsairs of Jamaica on a daily basis, one of

which, disembarked with more than 50 men with the purpose of stealing blacks and looting our houses; but not having succeeded in his purposes, due to our resistance, they took two small vessels from the port. On several occasions, they took 6 vessels loaded with cotton that we had to send to Cartagena, and for a long time we suffered from the lack of food because we were dispirited to cultivate due to the fear of being attacked by these enemies and, not having an authorized person to make decisions in favor of our properties, they would have done a series of pillages with everything we had.

After all of these difficulties and when we were hoping that peace would bring happiness, and our trade would grow again, trusting in the pious hear of Your Majesty and in the efforts and good disposition that our governor has towards us, we found out that this latter completes his mission in five years, including the three during which he was absent, and that he aspires to a better position. He has sufficient reason in this, his health has worsened since he began holding this post. The salary he receives of 2.000 pesos a year is not enough either, with no other type of emolument for his sustenance, because he never wanted to receive payment that he was legally entitled to for writing documents and that, in the absence of a notary public, he would certify.

In this dubious situation in the sense of whether he was leaving or not, before the aforementioned term expires, we have an enormous concern. We do not doubt that Your Majesty's Navy has many officers that are well prepared to perform in this position and others of higher importance, but in this governor we find the three qualities of chief, father and friend, all of them in the same proportion. He speaks our language like one of us; he is well informed through the experience that he accumulated since 1789 when he came to this island, commissioned by the Viceroy of Santa Fe. He keeps the colony under the best police administration; he treats people with great kindness and chivalry; he is devoted to agriculture, tries to improve the region to make this possession of Your Majesty's useful, and getting us and our children to establish ourselves in a happy condition. He has been the baptismal godfather of 2/3 of our children.

Such is the affection we rightly have for him, however, it is not our intention to insist in our interest and prejudice him in his promotion and wellbeing, in requesting that his mission term be extended. We humbly request that Your Majesty, in case he is promoted, fill his post with an officer that speaks English, since no other language is spoken in the colony, due to the non-fulfillment of Your Royal Majesties provisions and that there are currently no other Spaniards than the governor and a few other residents. Your Majesty could send some Spanish families, an elementary teacher and a chaplain. To date, none of this has been done. If we had had at least 25 soldiers, as our governor requested, some of them would have married daughters of the island and there would have been many more families of our own land. This was the idea of the governor and it would have been of great benefit.

All of this delay and disturbance of our wellbeing occurred due to the fact that this island has been annexed to the kingdom of Guatemala that is located so far away and the receipt of an answer from our Captain General takes six or seven months, causing great prejudice to our affairs.

The Port of San Juan of Nicaragua is the closest one in that kingdom; but the river is abandoned and has a guard of only 4 men and of a company in the port, at its mouth, and it takes ten days to navigate said river to the Fort of San Carlos, where there is nothing but fever and misery.

This would not be necessary if this island were to depend, as it did before, on the Viceroyalty of Santa Fe, because Cartagena is a commercial port, it is at the shore of the ocean and it is a four day round trip, due to the fact that the winds, in general, are favorable in this part of the world, both going and returning, due to the islands situation. We have always carried out our trade there and through its merchant ships, we have made our connections with the ports of the peninsula to ship our products directly thereto.

This is not the case with Guatemala, because in addition to how impossible our connections with the kingdom would become, due to the distance, there is the notorious opposition of those merchant ships to any trade that does not go by the route of Omoa, they reject traffic along the San Juan River and consequently, they do not care for this island and they resent its growth because of how favorable it may be for trade with San Juan of Nicaragua die to its location, and thus, we have reason to believe that they are the cause that no effort to promote our colony has been made. And we have even heard rumors that this Island cannot be of use to the crown and that H.M has better uninhabited possessions. When this settlement, the terrain of which is entirely cultivated, has not implied costs for your Royal Treasury other than the salary of the Governor, and it can produce, for the upcoming year, if there is a regular crop, over four thousand *quintales* [1 quintal = 46 kg] of the finest cotton known. The factories of the metropolis will very soon experience the quality thereof, since about a hundred and twenty quintales are en route to Cartagena, to be submitted to Cadiz and Barcelona, and we will send a shipment from this Island to Europe in the spring. It is expected that it will no longer be expensive for the State and that it will be able, with the income from the taxes charged in due course, to maintain the employees and garrison that are indispensable for the decorum of the flag and the safety of the lives and lands of H.M.'s subjects, which is why we likewise implore your Royal kindness to determine that this Island be of the jurisdiction of the Viceroyalty of Santa Fe, in all aspects and absolutely independent from the Presidency of Goatemala. Through your Viceroy we have addressed earlier requests and representations to Your Royal clemency, and through him we have received the mercy of H.M.'s pious and paternal heart and we so implore H.M. that It be through Cartagena that we learn of H.M.'s pleasure, because via Goatemala it would not get to us until eighteen or twenty months later, because it goes to México, via Veracruz and then, by land to Goatemala; from there to the provinces and then it would descend to the mouth of the San Juan River until by coincidence, a fishing boat of this Island carrying the correspondence of our Governor, which he receives every five or six months, arrives there.

(…)

We remain, sir, with the firm hope, based on the paternal affection of H.M. towards his subjects, that you will grant us the requests we humbly put forth and we pray to the Almighty to preserve H.M.'s life for countless years.

Island of San Andrés, November twenty-fifth, one thousand eight hundred and two.

To the R.s P. of H.M.

On behalf of all the inhabitants

Roberto Clark, Procurator.
Isaac Brooks, Solomón Taylor, Juan Taylor, Mayor; Jorge Ollis.

Minister of War.

It is a copy
Ameller.

Annex 20

REPORT FROM THE JUNTA OF FORTIFICATIONS AND DEFENSE, 2 SEPTEMBER 1803

(M. ESGUERRA, LA Costa Mosquitia y el Archipiélago de San Andrés y Providencia, San José, Costa Rica, Imprenta María v. de Lines, 1925, pp. 31-35)

REPORT
THAT THE JUNTA OF FORTIFICATIONS OF THE INDIES SUBMITS TO THE KING ABOUT THE REPRESENTATIONS OF THE GOVERNOR OF SAN ANDRÉS, D. TOMÁS O'NEYLLE, OVER THE MOSQUITO COAST AND ITS AGGREGATION TO THE VICEROYALTY OF SANTA FÉ.

Madrid, 2 September 1803.

Sir:

The Junta of Fortifications and Defense of the Indies has attentively examined the representations of the Governor of the islands of San Andrés and his neighbours of 5 December last, sent for the examination of that Junta by Royal Order of 26 August last.

(…)

And to avoid the long delay they would have to undergo in order to get the answer, if it were to be done through Guatemala, it would be more convenient to send it through Cartagena, whence it is easier and they can soon get it due to the shorter distance the island is located from that port, where for this reason the settlers send their personal effects.

(…)

Thus, the defense and growth of the island of San Andrés, is no less important, because being located at twelve and a half degrees latitude North, distant a little over one hundred leagues from Cartagena, and roughly forty from the coasts of the Kingdom of Guatemala and the mouth of the San Juan de Nicaragua river, it offers an excellent stop and supporting point to maintain and attend the last settlements of the deserted Mosquito Coast, and to promote with time those which in them were proposed again by the Junta in Cape Gracias a Dios and the bay of Bluefields in the consultation that was submitted

to His Majesty dated 5 August last. But in order for this to have a better and sooner effect, it is convenient that these settlements, up to Cape Gracias a Dios, inclusive, depend from the Viceroyalty of Santa Fé, ON WHOSE VICEROY MUST ALSO DEPEND IN ALL FIELDS (JUST AS THEY WERE BEFORE) THE ISLANDS OF SAN ANDRES, both for their bigger proximity and for the swift maritime assistance they can get, for which the Viceroy shall have the orders given to the Commander of the post of Cartagena, whose Governor shall equally have instruction and faculties from the Viceroy to facilitate them, according to the circumstances, and so that he can solicit them and reach an understanding with the Governor of San Andrés, to whom it is conducive to send, in the terms he requests, a detachment of thirty men of proven honesty, with a sergeant and two or three corporals and the corresponding ammunitions, and a good subordinate who knows, if possible, the English language, and who imitates and learns the good maxims of O'Neylle, to whom he is bound to be second in command, to rule the islands in his absence, and it shall be even more advantageous if that detachment of chosen people remains permanently in the island, where the soldier who marries a wealthy woman must be given full license to increase the number of colonists, requesting Cartagena in this case for his replacement, with which the love for the military service shall be step by step fomented in those natives so that when the time comes proportionate militias can be formed in their neighbourhoods, that, having the main island some ten square leagues, it may ascend in a few years to over forty thousand inhabitants; although it shall be with the impediment that many of them are black and of mixed race, because of the big number of slaves that are already settled, for whose subjection in due submission, is also useful the said detachment, from which if any of them were to marry a woman with no wealth, he may continue as a soldier during the time of his posting; to determine if the woman is poor or rich, shall be a particular matter for the Governor of the island to determine.

Even if the reasons laid down and the commercial relations residents of San Andrés have with those of Cartagena were not enough for those islands to be dependent from the Viceroyalty of Santa Fé, their local situation makes it impossible for them to depend from the Governor's Office of Guatemala from which they could not in any case or circumstances get help because the distance between them is big, and most of it has to be circulated by ways difficult to transit by, being this so obvious, that the Junta of Guatemala decided in the year 97 that not being able to help the island of San Andrés, should its Governor O'Neylle stay in the continent until peace (would be reached), leaving the island completely abandoned, and this is how for the uncertain and unsafe correspondence from San Andrés to Guatemala six to seven months are needed, when every week they can get it through Cartagena. These same reasons concur with a small difference in what respects the insinuated settlements of the Mosquito Coast, and thus NOT EASILY THEY WOULD PROGRESS, NOT BEING JOINED AND DEPENDENT FORM THE VICEROYALTY OF SANTA FE, being, Sir, undoubtedly the multiplication of those voluntary settlements the most effective and powerful way to tame or exterminate the angry Indians that if separated from the coasts would split for themselves, or at least could never join with the English, without it being an obstacle that from Guatemala depends a cape's lookout post and four men in the mouth of the San Juan

river, being this one an outpost of the San Carlos' Castle, located on this river before reaching the Nicaraguan lagoon.

This is the view of the Junta about the indicated representations, paying attention only to what is in the best interest of His Majesty, who shall resolve completely what is of his liking.

(…)

Annex 21

REPORT FROM THE JUNTA OF FORTIFICATIONS AND DEFENSE, 21 OCTOBER 1803

(M. ESGUERRA, *LA Costa Mosquitia y el Archipiélago de San Andrés y Providencia*, San José, Costa Rica, Imprenta María v. de Lines, 1925, pp. 35, 37-38)

REPORT
That the Junta of Fortifications of the Indies submits to the King about the representations of the Governor of San Andrés, D. Tomás O'Neylle, over the Mosquito Coast and its aggregation to the Viceroyalty of Santa Fe.

Second Report of the Junta of Fortifications and Defense of the Indies:

Madrid, 21 October 1803.

Sir:

The Junta of Defense Fortifications of the Indies in a consultation of 2 September last, expressed how useful and convenient would be that the islands of San Andrés, for their promotion and conservation, depend from the Viceroyalty of Santa Fe, because of the long distance they are located away from Guatemala and how unpopulated the province is because of the coasts of the Northern sea, and the ruggedness of its roads, do not allow to get help or aid from it in any time (as experience has demonstrated) not even in times of peace, if it is not with great difficulties and very expensive and damaging delays.

(…)

Note of the Secretary of the Office of Pardon and Justice of Spain, D. Miguel Cayetano Soler to the Captain General of Guatemala:

The Junta of Fortifications and Defense of the Indies, in consultation of 2 September and 21 October last, has expressed its opinion on the promotion, population and defense of the islands of San Andrés, their segregation and the part of the Mosquito Coast that extends from Cape Gacias a Dios inclusive up to the Chagres river, of that Captaincy General, and their incorporation to the New Kingdom of Grenada; and having the King agreed with the ruling of the Junta, I transmit to H.E. by order of H.M. (as

well as to the Viceroy of the mentioned Kingdom) copies of those consultations for your intelligence and compliance with the corresponding part.

(…)

Annex 22

ROYAL ORDER OF 30 NOVEMBER 1803

(Archivo General de Indias de Sevilla, España,
Sección Gobierno. Audiencia de Guatemala, Legajo 844)

(…)

"Your Excellency. The King has resolved that the Islands of San Andres and the part of the Mosquito Coast from the Cape Gracias a Dios, included, towards the Chagres River be segregated from the General Captaincy of Guatemala and dependent upon the Viceroyalty of Santa Fe, and His Majesty has seen fit to grant to the Governor of the said islands, Don Tomás O'Neilly, the yearly salary of $2.000 strong pesos [pesos fuertes], instead of the one thousand two hundred which he currently enjoys. I am giving notice to Your Excellency of the Royal Order, with the purpose of having the Ministry under your charge issue the corresponding ones, for the fulfillment of this sovereign resolution."

"Which I transmit to your Excellency by order of His Majesty for its due fulfillment.

"God may keep Your Excellency many years. San Lorenzo, 30th November 1803. Soler. Excellency the Viceroy of Santa Fe.

(…)

Annex 23

LETTER ADDRESSED TO DON JOAQUÍN FRANCISCO FIDALGO, FROM MANUEL DEL CASTILLO Y ARMENTA, CARTAGENA, 9 FEBRUARY 1805

(Cuervo B., A., *Colección de documentos inéditos sobre la Geografía y la historia de Colombia,* Sección 1ª Geografía y Viajes - Vol. I, Costa Atlántica. Bogotá, Imprenta de Vapor de Zalamea Hermanos, 1891, pp. 367-369)

"H.E. having decided on 1st December that I depart and carry out the reconnaissance and location of the shoals of Comboy, Nuevo, Serranilla, Serrana and Roncador I set sail from this port [Cartagena] with the brigantine Alerta and the schooner San Jose (AKA la Industria) on the afternoon of the 12th of the same month and the morning after from Bocachica moving to set anchor in Sabanilla in order to verify there the state of the chronometers. A strong breeze and the state of the seas produced some damages to the hull and riggings of the brigantine and the schooner needing more weight I stayed at the harbor in Punta de Canoas in order to remedy the former and to board the latter, and finishing those tasks on the afternoon of the 16th I started the trip to my destination. With some difficulty and fresh damage in the riggings and sails I managed to reach Sabanilla, a feat that the schooner could only accomplish on the 23th, having had to stop twice along the coast in order to arrange the sails. On the 25th we realized that we had achieved a good timing and the chronometers maintained with very little difference the paces assigned in Cartagena, so I left Sabanilla heading to intercept by 20 leagues east of Comboy the parallel of this shoal and continue towards the east in reconnaissance. As the more trustable notice we had of this shoal was that provided by the pilot of the Brujula hull, who assured that he had seen it at Latitude 15 25' I decided that the brigantine ran along that parallel and the schooner through it portside at a distance of 6 miles, thus reconnoitering some 12 miles, at the least, of difference in Latitude. With the night approaching we made a round by the north and tried to keep the last meridian overnight, so that in the morning we followed the same parallels by means of the Latitude registered with the moon, the polar star or any other star and double check that by noon time and in this fashion we proceeded the reconnaissance up to 14 leagues east of the position of Comboy (according to the chart from the deposit concluding the last of December without having seen it. On 1 January of the current year we sighted *Bajo Nuevo* on its northern part the latitude of which we observed on the same date, while being close to it…on the following morning we came close to its cay or sand islet… The unsheltered state of the ships to withstand a Northwest [wind] that the season and sky seemed to threaten, made me leave the shoal, sending the brigantine to observe the latitude in the southernmost part and from there, to go to *Serrana* to carry out its reconnaissance and locate it, while I, onboard the schooner along with Navy Lieutenant Don Torcuato

Piedrola of your troops, with compass 383 [*sic*] went on to that of *Serranilla* without being able to perform a further reconnaissance thereof because I had no one with practical skills on that shoal with me and its appearance was terrifying with the strong wind that was blowing. From there, I moved on to Serrana after having sailed four days looking for it due to its erred location and we carried out its reconnaissance and it was duly located, particularly in its northern and southern ends and eastern part… I moved on to *Roncador* and once the reconnaissance and location thereof was done, I went to the island of *Santa Catalina* where I found the brigantine dismasted of its mainmast, its log worn out at the top with a loss of its running riggings due to their having been missing as well as the top of the lower mast, topmast and its riggings. From that point, I only attempted to enable the brigantine to sail back to Cartagena having to ply to windward over a hundred leagues to that effect and, consequently, seeing as the main shoals were thus located and that there were detailed charts of the islands of *Santa Catalina* and *San Andrés,* I only tried to locate them with respect to their latitude and longitude that was verified on the second island when I sent off the schooner soon after my arrival at Santa Catalina.

(…)

May God save Your Excellency many years.
Cartagena, 9 February 1805.

MANUEL DEL CASTILLO Y ARMENTA

DIPLOMATIC CORRESPONDENCE

Annex 24

DIPLOMATIC NOTE FROM THE COLOMBIAN FOREIGN MINISTER, PEDRO GUAL, TO THE COMMANDER-IN-CHIEF OF THE BRITISH NAVAL FORCES IN THE WESTERN INDIES, VICE-ADMIRAL SIR LAWRENCE HALSTEAD, 19 JUNE 1824

(*Gaceta Oficial*, N° 57, Bogotá 17 October 1824)

(…)

Since the year 1819, the provinces that made up the Captaincy-General of Venezuela and the Viceroyalty of the New Grenada, united in a single national body under the title Republic of Colombia. Thus, in our primitive constitution, as well as in the one promulgated in a more solemn manner on 18 July 1821, it was stipulated that the limits of the Republic would be those that Venezuela and the New Grenada would have when they were subject to the jurisdiction of the King of Spain.

Long before this important act of union, the limits of the New Granada were perfectly defined and demarcated. They reached the coasts neighboring the island of Jamaica until, and including, Cape Gracias a Dios, with the islands of San Andrés, Vieja Providencia and other adjacent ones. The stretch of coast comprised between Cape Gracias a Dios and the Chagres River belonged to the Captaincy-General of Guatemala for a while, but all this territory was definitively ascribed to the New Granada, on 30 November 1803.

Since that time, the Spanish authorities exercised over them, as they did over the others comprised within their respective jurisdictions, all the acts befitting the high dominion and lordship that Spain held over the cultivated and uncultured lands of the former New Granada, and which are now completely in the possession of the Republic of Colombia.

(…)

Annex 25

NOTE N° 52 FROM THE GOVERNOR OF THE PROVINCE OF CARTAGENA TO THE UNITED STATES CONSUL IN THAT CITY, 22 NOVEMBER 1854

ENCLOSING 1854 DECREE BANNING GUANO EXTRACTION IN THE ARCHIPELAGO OF SAN ANDRÉS

(General Archives of Colombia, files of the Ministry of Foreign Affairs, Bogotá Folder N°9)

Republic of the New Granada
Governorship of the Province (of Cartagena)

Circular No. 52

Cartagena, 22 November 1854

Dear Sir,

I have the pleasure of enclosing a copy of the "Crónica Oficial", so that you may impose yourself of the contents of the Decree issued by this Governorship prohibiting every extraction of guano from the group of islands that form the Canton de San Andres, in this province.

In view of the said Decree, it is expected that you will take the necessary measures in order to inform accordingly to the citizens of the United States resident at this location.

With kind regards, I remain, truly yours,

(signed) Rafael Núñez

[Enclosure follows]

[Enclosure, Note N° 52 from the Governor of the Province of Cartagena to the United States Consul in that city, Mr. Ramon Leon Sanchez, enclosing 1854 Decree prohibiting guano extraction on the islands that form part of the Canton of San Andrés, 22 November 1854, Annex 25]

It is authentic - The 1st officer in charge of the Secretariat of the Governorship, Luis Maria de Ochoa

OFFICIAL CHRONICLE
OF THE PROVINCE OF CARTAGENA

15TH Quarter Cartagena, 19 November 1854. N° 127.

Forbidding the extraction of guano from the islands that are part of the Canton of San Andrés

The Governor of the Province of Cartagena,

Considering:

That the any vacant lands comprised in the national territory and the products of those lands are the exclusive property of the Republic, by the legal powers vested in him,

Decrees:

Art. 1.° Any extraction of guano from the recently discovered deposit in the District of Providencia, or from any other that may be discovered in the future in the group of islands that form the Archipelago of San Andrés, is hereby prohibited.

Art. 2.° Those infringing this prohibition shall be considered and prosecuted as defrauders of the Republic's finances.

Be it made known to all the Consuls residing in this location; to the Political Chief of San Andrés for its strictest compliance, and to the Chargé d'Affaires of the Republic to the United States Government for matters of his competence.

Done at Cartagena, on 15 November 1854 - RAFAEL NÚÑEZ.-The Secretary, Henrique P. de la Vega.

Annex 26

DIPLOMATIC NOTE FROM THE COLOMBIAN MINISTER IN WASHINGTON TO THE DEPARTMENT OF STATE, 8 DECEMBER 1890

(Archives of the Ministry of Foreign Affairs of Colombia)

Documents on pages to follow

Translation.

Legation of Colombia.

Washington December 8. 1890.

Sir,

The proper Colombian Authority having been informed that Mr. J. St. Jennet an American Citizen was working (exploiting) without permission of the Government of Colombia the Guano deposits on the islets of Roncador and Quitasueño in the Archipelago of Providencia inquired of the said Mr. Jennet by what right he was thus proceeding. the latter stated under oath that he was acting by virtue of a written permit to that effect granted to him by the Government of this Republic.

~~The Government of Colombia~~ which has been informed of the

Hon James G. Blaine
Secretary of State

the undertaking expressed to cannot exclude such an addition, since it has long known the justice and loyalty which characterize the acts of the Government of the United States which would not comport with the concession of a permit to carry on operations on territory notoriously belonging to a neighboring and friendly nation, and being certain that there is some misunderstanding in the case which is necessary to be explained it withheld me to make the proper investigations.

In accordance with the above I should be greatly obliged to the Honorable Secretary of State, if he would kindly inform me if the Government of the United States has in any way authorized Mr. J. W. Jennet to make use

J

of the Guano deposits referred to, which is the foundation of the matter in petition —

I remain with high consideration, the Hon Secretary's Obedient Servant,

Julio Benzigo

Annex 27

DIPLOMATIC NOTE N° 5 FROM THE CHARGÉ D'AFFAIRES OF COLOMBIA IN WASHINGTON TO THE SECRETARY OF STATE, 18 JANUARY 1893

(Translation by the Department of State, National Archives, College Park, MD)

(Translation)

LEGATION OF COLOMBIA.

Washington, January 18, 1893.

No. 5.

Honorable Mr. Secretary:

Under date of the 8th of December 1890, and in my capacity as Chargé d'Affaires ad interim of Colombia, I had the honor to address your Department begging to be informed if it were or were not true that the Government of the United States had authorized the American citizen J. W. Jennet to remove guano from the deposits existing upon the Roncador and Quitasueño keys, which my Government holds to form an integral part of its territory. Your predecessor in the important post you fill, the Hon. James G. Blaine, answered me by means of a communication of the 19th of January, 1891, that the Government of the United States had in fact granted such authorization to Mr. Jennet by reason of his having fulfilled the requisites fixed by section 5570 of the Revised Statutes, in pursuance of the law passed by Congress on the 18th August, 1856; that Jennet had presented himself in 1869 as the discoverer of guano upon the islands of Roncador and Quitasueño, claiming as such the benefit of the aforesaid statutes. That on the 22nd of November of the same year (1869) the aforesaid Mr. Jennet, in union with other persons, had given the requisite bonds in order to acquire the right to work the guano beds, which bond had been approved by the Department of State on the 26th of that month. Mr. Blaine also noted

that on the 12th of October, 1871, the Department of the Treasury had published a list of the islands belonging to the United States and containing deposits of guano, among which ~~they~~ were included Roncador and Quitasueño; and that during the period of nearly twenty years which had elapsed between the date of that publication and the date of my note, Colombia had made no claim of dominion over those islands. He concluded by controverting in advance the argument which he supposed Colombia might allege in support of her pretentions in view of the keys being in the vicinity of her territory; affirming that the nearest land thereto is the island of Providence, the sovereignty of which he said is claimed by the British Government, and averring that the Department of State had no knowledge of any act of occupation or possession executed by my Government which might be alleged in its favor as a proof of dominion.

It would have been easy, ~~thereupon~~ forthwith, to controvert the argument set forth in the note in question as the ground for the authorization granted to Mr. Jennet and for the rights of sovereignty acquired by the United States of America over those keys in view of the supposed discovery made by him, by presenting a clear and precise statement of the incontestable titles which Colombia has to consider herself the owner of those islands; but taking note of the fact that the works undertaken in those islands appeared to have been completely abandoned and to have been confined to the removal of guano, without affecting any establishment whatever, not merely such as section 5570 of the Statutes, upon which the grant is based, specifies as necessary for the enjoyment of the granted privilege, but not even an elementary establishment indispensable for the maintenance of a permanent

occupancy; it was believed that Mr. Jennet would not persist in continuing to work the guano beds, and that there was no urgency in keeping up a discussion concerning the sovereignty of those keys in view of the suspension of the destruction of the wealth thereon stored. But later facts have arisen to show that Mr. Jennet, or his representatives, have not abandoned the intention to remove the guano under cover of the authorization to that end which they have received from the Government of the United States. Mr. Edward B. Bailey, who is styled one of the chief officers of the "Columbia Guano and Phosphate Co." with headquarters in this Capital, went to Jamaica in the month of June, 1891; engaged several laborers there under contract, went with them to Roncador where he excavated 950 tons of guano, of which 350 tons were shipped on the vessel in which he returned to this country, the remaining 600 being left in care of 12 of the laborers brought from Jamaica with the promise of returning for them in the course of three weeks. This period not only having elapsed, but three and one-half months more, without Mr. Bailey fulfilling his promise, seven of the twelve men left in charge of the guano, being destitute of all means of subsistence on that arid and desert island, embarked in a small boat, and were picked up after having sailed for four days by a vessel named "Bucefalous" which carried them to the neighboring island of San Andres. Nothing was known of the five laborers who were left upon the key ~~prior to~~ until the month of March of last year, at which season, following an immemorial custom, the turtle fishers of San Andres and Providence visited Roncador and Quitasueño for the purpose of pursuing their

industry, and then they found upon the first of the islands in question two unburied corpses, already reduced to skeletons, which were without doubt two of the five Jamaicans who remained finally in charge of the guano. The spot where the corpses were found and their position clearly showed that death had come upon them in the midst of the most absolute destitution.

The Prefect of the province of San Andres---to which the keys in question belonged--having been notified of this fact, he immediately repaired to Roncador for the purpose of investigating, if possible, the cause of the death of the two laborers, in order to locate the resultant responsibility; but, as was natural, he was unable to ascertain anything; the offence had taken place during that period of the year when the island is totally deserted, and death had doubtless been caused by starvation. In view of this fact he deemed it proper to remove to San Andres the small boat which he found at Roncador, left there doubtless by the vessel upon which the guano had been laden, in the hopes that some one might appear to claim the boat, and thus furnish the basis for an investigation of the evident crime.

In the presence of facts of such gravity, which I am certain will be duly appreciated by the Honorable Secretary, my Government neither can nor should defer longer the determination of its rights to Roncador and Quitaspeño keys, to the end of obtaining the recognition of its dominion on the part of the Government of the United States, thus putting an end to an exploitation which impairs the public resources

of the nation, and at the sametime put itself in a position to prevent or punish more efficiently and independently the crimes which may be committed in a part of the territory subject to its jurisdiction; and to that end it has instructed me to give due course to the initiated discussion, which I now propose to do by means of the present communication.

As well in the desire to proceed methodically in my analysis of the rights of Colombia as for the purpose of clearly establishing the origin of those rights, it will be necessary for me to go back to a very remote epoch, and to prove that from the original discovery the islands of the Providence group, of which the keys in question form a part, have been considered as belonging, first to the Crown of Spain, and subsequently to the Republic of Colombia, in virtue of the succession of the latter to all the rights and choses in action in the section of South America known in the Colonial times under the name of the Vice Royalty of New Granada. I beg, therefore, the Honorable Secretary to be pleased to pardon me the extended but necessary statement of facts which I now proceed to make.

The islands of San Andres and Providence were discovered by Columbus in his first voyage, 1492, the native name being Abacoa. At a relatively short distance from them was found the island of Santa Catalina, the keys of Roncador Quitasueño, Courtown, Albuquerque and Serrano Banco, all joining to form the archipelago or group of Old Providence. In view of the situation and proximity of these islands and keys it is to be presumed that the same geological change caused them to rise to the surface of the waters, and that they have a continuous basis on the ocean bed.

The Government of Spain, which took possession of that group by right of conquest, determined in 1595 that one of the islands which composed it, Santa Catalina, should be fortified in order to maintain there a garrison which should assure a tranquil control of that part of its possessions in those disturbed times; and in 1660 that island was perfectly defended and guns mounted. Notwithstanding this a short time afterwards the buccaneer Mansvelt seized the island, expelling the Spanish garrison, but it was recaptured by the Governor of Panama, a Spanish authority, in 1664. The buccaneers again captured it in 1665, and the Spaniards once more regained possession the 15th of August of the same year.

The island of Santa Catalina again fell under the power of the buccaneers, this time under the leadership of Morgan, Mansvelt's successor, on the 21st of December, 1670; but it was forthwith returned to Spain when those seas were finally purged of piracy.

Under the uninterrupted dominion of the Crown of Spain the Providence archipelago thereafter remained; and by a Royal Order of the 30th of November, 1803, it was definite annexed to the Vice Royalty of New Granda, together with all the coast comprised between Chagres and Cape Gracios á Dios Don Tomas O'Neill, who was the first Governor of the Archipelago after the mentioned annexation, found himself constrained to surrender to superior English forces in Santa Catalina on the 26th of March 1806; but the island returned to the power of Spain towards the end of 1808, in virtue of the treaty concluded between the Government of Great Britain and the Junta of Seville.

One of the immediate results of the aforesaid Royal Order of November 30, 1803, was that the authorities of the Vice Royalty of New Granada sent out an exploring expedition which, under the command of Don Miguel Patiño, was undertaken in the sailing gun-boat "Concepcion" for the purpose of visiting the coast and islands recently annexed; which expedition projected a map and fixed the geographical position of the islands and keys which form the Providence Archipelago, naturally including Roncador and Quitasueño.

The possession and domain which the Crown of Spain thereafter continued to exercise over the Archipelago in question were not again subsequently disturbed by any foreign power, and were maintained until the victorious insurrection of the Colonies against the Mother-country took place. This event having occurred and the independence and sovereignty of the different sections of Spanish America having been assured by the institution of autonomous Governments by mutual agreement among them, based upon principles of equity and justice, each one of these sections now became an independent Republic and conserved the material and jurisdictional limits which at the time of the separation from Spain bound the respective Vice Royalty, Captain Generalcy, Provincial Government, etc; and the present Republic of Colombia---which was the Vice Royalty of New Granda in the Colonial times---under authority of the so often mentioned Royal Order of November 30, 1803, continued in the exercise of dominion and jurisdiction over the Providence Archipelago, of which, I repeat, the keys of Roncador and Quitasueño form an integral part; which Archipelago subsequently was erected into the canton of San Andres, and formed a part of the province of Cartagena.

The Republic of Colombia has since continued in tranquil and pacific possession of the islands and keys in question, - for its possession cannot be deemed to have been disturbed therein by isolated and individual acts of arbitrary excavation of guano committed upon certain of the keys, and accomplished under shadow of the impunity which is made inevitable by the remoteness of those possessions from other inhabited points of the same Archipelago and by the unfitness of those keys for any Colonial establishment. In the year 1853, for example, there arrived at San Andres an American bark named "St. Lawrence" under command of S. R. Kimball, who hired certain of the inhabitants to go thither in the capacity of sailors, proceeding in the first place with them to Roncador, where he excavated and embarked several tons of guano which he carried to the port of Baltimore, where he arrived on the 19th of August of the aforesaid year. In Baltimore the said Kimball chartered a barkentine in order to go to Roncador and take in a new cargo of guano, which was done, the barkentine touching on its return voyage at the island of San Andres for the purpose of disembarking the men who a short time before had been shipped by Kimball as sailors on the "St. Lawrence". When the Prefect of the canton of San Andres, Señor Ricardo Bowie, learned the character of the cargo of the barkentine, he communicated to her Captain an order not to leave the port, based upon the fact that the cargo which had been laden at Roncador belonged to the Republic, which order the Captain easily evaded since the Prefect Bowie did not possess the material means necessary to effectively execute it.

But if the Republic of Colombia for the causes above set forth, and as may be added, its notorious lack of naval power, has been impotent to prevent abuses of the class which I have just mentioned, it has not shown itself indifferent thereto, and has done whatever was in its power to prevent or punish them, the case arising. This assertion is fully demonstrated by its attitude in the case of Kimball: The then Governor of the Province of Cartagena, His Excellency Dr. Rafael Nuñez, now titular President of the Republic, having been informed of the outrage committed by Kimball, issued under date of 15th November, 1854, a decree prohibiting the removal of guano from the existing depósits already well known in the Providence Archipelago, or any other guano deposits which might be thereafter discovered in the same group, and declaring that the offenders would be judged and punished as defrauders of the Treasury of the Republic. This decree contained a provision that it should be communicated to the foreign consuls resident in the city of Cartagena, which provision was fulfilled with respect to the consul of the United States of America, who at that time was Señor Ramon Leon Sanchez, by means of official note dated 22nd November of the same year (1854). I suppose that Señor Leon Sanchez communicated the contents of that note to the Department of State, in compliance with his duty.

The extended statement of facts which I have thus made concurs in clearly setting forth the following points: First, that the islands and keys which form the Archipelago or group of Providence have been known from a remote epoch; second, that the dominion and possession of that group have been exercised from time immemorial by the Crown of

Spain in the first place, and subsequently by the Republic of Colombia; third, that the existence of guano in the keys of Roncador and Quitasueño was known at least prior to the year of 1858, at which time phosphates had already been removed therefrom, although unlawfully; and fourth, that the Republic of Colombia has done everything that was possible to avoid the impairment of its perfect rights.

From these positive premises the following conclusions logically and inevitably flow: First, that when Mr. J. W. Jennet appeared before the Department of State in the year 1869 as the discoverer of deposits of guano on the keys of Roncador and Quitasueño, asking the extension to him of the benefits granted by section 5570 of the Revised Statutes, he committed, to say the least, an error, for the existence of such deposits was known more than fifteen years before, at which time guano had already been excavated; second, that the keys of Roncador and Quitasueño were from remote times under the legal dominion of the Government of Colombia, and there was no room for considering them as a territory without an owner, the only case in which the Section of the Revised Statutes to which I have referred has any application; and third, that the procedure of Mr. Jennet in removing guano from the keys, far from being a ground for acquiring a prerogative, in reality subjected him to a penalty, for an act which had already been declared to be an offence by the competent authority.

The ends which I propose to accomplish by this present communication, which are to obtain an express recognition on the part of the Government of the United States of America of the sovereignty of Colombia over the keys of Roncador and

Quitasueño and the annullment of the authority granted to Mr Jennet for the removal of the guano thereon, will, I am assured, be fully attained by the facts which I have thus set forth, taking into account the precedents of equity laid down by the Government of the United States in analagous controversies which have occurred with some of the Spanish American Republics; but I do not wish to conclude this note without making answer to the remaining arguments which are contained in your Department's note of the 19th of January, 1891, thus fortifying still more, if need be, the rights which I claim.

It is said to me that the Government of the United States had no knowledge of any act of occupancy or possession performed by Colombia on the keys of Roncador and Quitasueño upon which it could base any title; and although the statement which I have herein set forth satisfactorily answers this objection, I will permit myself to call the attention of the Honorable Secretary to a point of decisive importance in this regard. The inhabitants of the islands of San Andres and Providence---subjects of the King of Spain before the emancipation and Colombian citizens since---have from time immemorial devoted themselves to the turtle fisheries, which constitute one of their most important and lucrative industries, and for that purpose have periodically, at the season of the year appropriate for their pursuits, visited the keys of Roncador and Quitasueño, which are the breeding grounds of those useful animals; remaining on those keys until their purpose is accomplished; constructing wells for the collection of potable water, and executing in general all necessary works for the fulfillment of their objects, on

for improving the conditions of their temporary sojourn. The aforesaid keys are not, neither can they be, permanently inhabited; they are barren islands without any kind of vegetation; they are destitute of the elements necessary for the life of man, and the passing but periodical sojourn which the inhabitants of the more fertile contiguous islands make thereon, as well as the pursuit of the turtle fisheries, of which, as I have stated, those keys are the breeding grounds, constitute the sole useful purpose of which they are susceptible and the sole acts of possession which are practicable, to which acts no objection has been raised in the course of centuries. I entertain the hope that to this argument will be given all the scope and force which it possesses, since the Government of the United States bases upon an analagous and perhaps more ample course of reasoning its rights in the controversy which it maintains with Great Britain concerning the seal fisheries in Bering Sea.

It is likewise adduced as an argument against the rights of Colombia, in the note now under consideration, that during a period of more than twenty years no protest was made against the inclusion of the keys of Roncador and Quitasueno among the guano-bearing islands and keys belonging to the United States in the list published by the Department of the Treasury on the 12th of October, 1871. In reply I have to say that the Government of Colombia was ignorant of such inclusion; if it had been formally communicated to it at the time the present protest would assuredly have been made forthwith; and that its silence, on the other hand, could in no case prejudice its rights since prescription does not concede a title of dominion under international law.

and the acts or the rights of a nation are exercisable at any time.

It will be well in conclusion to make known to the Honorable Secretary that in respect to the island of Providence, the nearest land to the ~~Keys~~ of Roncador and Quitasueño, as your Department intimates, there exists no claim whatever of dominion on the part of Great Britain; and that now, as in past years, it remains under the government of the authorities of Colombia; ruled by its laws, and forms a part with the group to which it belongs under the name of the Province of San Andres of the Department of Bolívar. I make the foregoing observation without, however, thereby admitting that proximity or remoteness can be regarded as factors when the bases of rights of dominion are under consideration.

As documents in proof of the assertions contained in this communication which lack historic basis or have not the force of public notoriety, this Legation possesses the declaration of ~~various~~ several of the inhabitants of San Andres whom Kimball shipped on that island as members of the crew of the bark "St. Lawrence", declarations recently taken before the competent authority. It possesses, moreover, the documents filed on the arrival of that vessel in the port of Baltimore in August 1853; for although in those documents the guano on board is stated to be of Mexican origin, this is doubtless an error, for the following reasons: First, because in the manifest of entry there is no statement, as is customary, of the port of Mexico whence it was shipped, it being merely said that it was ~~taken~~ in the Spanish Main, under which generic name are likewise desig-

nated the islands and keys which compose the Province Archipelago. Second, because, according to data furnished by the Mexican Minister of the Treasury there is no record that the bark "St. Lawrence" touched in any of the Atlantic ports of that Republic in the epoch in question; and third because the declarations of the inhabitants of San Andres who formed part of the crew of the "St. Lawrence" to which I have above referred contradicts such an assertion, affirming that the guano was taken from the Roncador key. This Legation likewise possesses a copy of the note sent on the 22nd of November, 1854 to the American Consul, Señor Ramon Leon Sanchez, notifying him of the provisions of the decree issued by the Governor of the Province of Cartagena on the 15th of the same month, to which reference has been made in the course of this communication, and the declarations of several of the Jamaicans, who accompanied Edward B. Bailey in his expedition to Roncador key in June, 1891.

My Government, knowing the elevated sentiments of justice entertained by that of the United States of America in its determinations, confides that in the present case, taking account of the legality of its pretentions, it will expressly recognize the sovereign right of Colombia over the keys of Roncador and Quitasueño, and that in consequence it will revoke the authorization granted to Mr. J. W. Jennet for the removal of guano therefrom, making appropriate notification thereof to him, or to his representatives.

I am with sentiments of the highest and most distinguished consideration the Honorable Secretary's

Faithful servant,

Julio Rengifo,

Chargé d'Affaires ad interim Colombia.

Translated by
A. A. Adee,
Jan. 25, 1893.

Annex 28

DIPLOMATIC NOTE FROM THE REPRESENTATIVE OF THE KINGDOM OF SWEDEN AND NORWAY IN WASHINGTON TO THE SECRETARY OF STATE OF THE UNITED STATES, 27 OCTOBER 1894

(Translation by the Department of State, National Archives, College Park, MD)

Document on page to follow

Translation.

Legation of Sweden and Norway,

Washington, October 27, 1894.

Mr Secretary of State:-

I have received order from my Government to acquaint your Excellency that the King's Minister at Santa Fe de Bogota has been instructed to call the attention of the Government of the United States of Colombia to the advisability of erecting a light-house on Roncador Key in the Caribbean Sea, the said Key being understood to belong to the Republic of Colombia.

This action on the part of my Government has been prompted by a request from the ~~commercial~~ Masters Association at Bergen, Norway, of the 15th of September last, a copy of which I have the honor to herewith enclose.

As my Government is desirous to know whether similar action has been taken by ~~the Government of the United States~~, I venture to ask of your Excellency to have the great kindness to advise me on this subject in order that I may inform my Government.

Accept, etc.,

A. GRIP.

Annex 29

DIPLOMATIC NOTE FROM THE UNITED STATES MINISTER IN BOGOTA TO THE COLOMBIAN FOREIGN MINISTER, 2 JANUARY 1895

(Archives of the Ministry of Foreign Affairs of Colombia)

Documents on pages to follow

Solicitan se [illegible] Cons. [illegible]
Senior [illegible]
3 Enero 1895.

219

Legation of the United States,
Bogata Jan. 2nd 1895.

His Excellency,
J. M. Uricoechea.
Acting Minister of Foreign
Affairs, of the Republic
of Colombia.

Sir:

The Government
of the United States has
been officially informed, that
the Minister at Bogata, of
his Majesty the King of
Sweden and Norway, has
been instructed to call the
attention of the Government
of the Republic of Colombia
to the advisability of
erecting

erecting a light house on
Ronedador Key, in the
Caribean Sea.
The Swedish Government,
understanding that the
dangerous rock in ques-
tion, is a Colombian
dependency. In view
of the recent loss of the
United States man of War,
"Kearsarge," on the above
mentioned reef, and as
the Navy Department reports
that the erection of a light-
house on Ronedador Reef
would be of great
assistance to navigation,
and also that this Reef
which is in the fairway
of

of a large traffic, is especially dangerous, on account of its isolation, and the very strong and variable currents surrounding it, that it is almost entirely submerged, the small portion above water being so low that it is difficult to sight, even by day, and that the depths of water in the vicinity are too great to be determined by the ordinary means of sounding, so that timely warning of neighboring danger is not attainable by the use of the lead. I have been

been instructed to inform Your Excellency, that the Government of the United States, most cordially commends the suggestion of the Swedish and Norwegian Government, and would be gratified to learn that the establishment of this greatly needed light had been determined upon.

I take this opportunity to assure You of my most distinguished regard and esteem.

Luther F. McKinney

Sección 1ª = Enero 17 de 1895.

Contestada hoy (4).

Annex 30

DIPLOMATIC NOTE FROM THE COLOMBIAN FOREIGN MINISTER TO THE UNITED STATES MINISTER IN BOGOTÁ, 17 JANUARY 1895

(1896 Report to Congress by the Colombian Foreign Minister, Vol. I, 1896, p. 22)

Republic of Colombia - Ministry of Foreign Affairs - Bogotá, 17 January 1895

Dear sir,

By a letter dated the 2nd of this month, and with regard to official information received by the Government of the United States concerning the instructions sent by that of Sweden and Norway to its Representative in Bogotá, with a view to call the attention of the Colombian Government on the convenience of installing a lighthouse on the island of Roncador, in the Caribbean Sea, Your Excellency has been kind in representing to me the existing dangers for navigation in the vicinity of that island, recalling at the same time the loss of the steamship Kearsarge, and informing me that the Government of the United States recommends with vehemence the idea of the Swedish Government and would be happy to learn that the building of that lighthouse, which is so needed, has been decided.

Indeed, by note of 20 November last, the Representative of Sweden and Norway in this capital, following instructions from its Government, presented to the Ministry of Foreign Affairs a statement by the captains of the merchant navy of Bergen where the circumstances that require the urgent building of the said lighthouse are described.

Due to this, and the Cay of Roncador being comprised in the Archipelago of San Andrés and San Luis de Providencia, that is an integral part of the Colombian territory, the Minister of Finance is already dealing with the study of the matter and has requested from the Governors of Bolívar and Panamá certain information that is required in order to take a decision in that regard.

I am pleased to respond in this fashion to your kind letter and I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(signed - J.M. Uricoechea)

To His Excellency
Luther F. McKinney
Envoy Extraordinaire and Minister Plenipotentiary
of the United States, etc, etc, etc

Annex 31

DIPLOMATIC NOTE FROM THE NICARAGUAN FOREIGN MINISTER TO THE COLOMBIAN FOREIGN MINISTER, 14 MARCH 1896

(Archives of the Ministry of Foreign Affairs of Colombia)

Ministry of Foreign Affairs - Republic of Nicaragua - National Palace - Managua, 14 March 1896

Mr. Minister:

I have the honor to reply to H.E.'s kind note dated 8th of last month, in which you propose to settle by means of an arbitration the question you say is pending with (the Government of) Colombia over the strip of land comprising, in the Atlantic coast, from the Culebra river up to the Cape Gracias a Dios.

My Government does not believe, Mr. Minister, that there can be any doubt about the possession and exercise of sovereignty that, with no one's contradiction, it has exercised and continues to exercise over the territory H.E. speaks of. - Already, on 16 September 1880, Your Government was submitted a reply, copy of which I enclose herewith, by my predecessor in this Ministry, Mr. Adán Cárdenas, and I understand that since then until now, Nicaragua's rights not only have not changed, but rather have become more effective and have been recognized without opposition.

There being then no dispute whatsoever between Nicaragua and Colombia, the arbitration proposed by H.E. lacks any purpose.

I appreciate the good will of that Government towards mine; and it is a pleasure for me to assure, through H.E., that the same good feelings inspire the people and Government of Nicaragua towards the people and Government of Colombia.

With all my appreciation, H.E.'s most attentive servant,

(Signed) JOSÉ D. GÁMEZ

Annex 32

DIPLOMATIC NOTE FROM THE NICARAGUAN MINISTER IN PARIS, MR. CRISANTO MEDINA, TO THE FRENCH FOREIGN MINSTER, MR. DELCASSÉ, 22 SEPTEMBER 1900

(Copie Certifiée Conforme á l´Original Conservé aux Archives du Ministère des Affaires Etrangères de la République Française.
Paris, le 09 avril 2002. Le Directeur des Archives, Yvon ROE d´Albert)

Paris, 22nd September 1900

I have the honor to make known to Your Excellency that the islands, banks, cays and islets, located in the sea of the Antilles, are under the dominion and property of the Republic of Nicaragua, between the 11th and 15th parallels of latitude North, to the East of the Atlantic Coast of the Republic of Nicaragua and until 84°30' of the Paris meridian, to which they incontestably belong geographically and jurisdictionally, and that are currently militarily occupied, and politically administered by the authorities of the Republic.

The Republic of Nicaragua came into peaceful possession of such islands through the Treaty of Managua of 28 January 1860 with Great Britain.

I was therefore deeply astonished to read, in the arbitral award rendered on the 11th of this month by His Excellency the President of the French Republic, in his capacity as arbitrator in the territorial border dispute between the Republics of Costa Rica and Colombia, that: *the Mangle Chico [Little Corn] and Mangle Grande [Great Corn] islands, as well as all the other islands, islets and banks comprised between the Mosquito Coast and the Isthmus of Panama, without exception, belong to the United States of Colombia.*

My government has always rejected Colombia's claims, as I beg Your Excellency to see in the attached copies of the replies given by the Foreign Ministers of Nicaragua to those of Colombia, on 16 September 1880 and 14 March 1896.

The Government of Nicaragua has not intervened in the Arbitration and I believe it to be my duty to respectfully recall to Your Excellency that Article III of the Additional Convention of Paris, concluded between Costa Rica and Colombia on 20 January 1886, provides that the arbitral award: shall be circumscribed to the territory in dispute and may in no way affect the rights that a third party that has not intervened in the arbitration may claim as to the property of the territory comprised between the stated limits.

The Republic of Costa Rica not having stated any claims whatsoever over those islands, that fall entirely outside its jurisdiction, the arbitral award had no reason to deal with them, and hence the aforementioned award may in no way prejudice the incontestable rights of the Republic of Nicaragua. (Between Cape Gracias a Dios and the Escudo de Veragua island).

While I await instructions from my Government, instructions that shall not fail to arrive soon, I allow myself to make these respectful considerations to Your Excellency. Because I have the highest confidence in the great wisdom and spirit of equity of His Excellency, the President of the Republic, and because I dare to expect that they will suffice for him to see fit to suppress, from the Arbitral Award, the second clause of its dispositive that impairs the rights of a friendly nation that did not take part in the arbitration, and that runs counter to a contractual provision between Costa Rica and Colombia, and a recognized principle of international law proclaimed in 1865, with the avowal of prominent French jurists, by the Institute of International Law.

(Signed) Crisanto Medina

Annex 33

DIPLOMATIC NOTE FROM THE FRENCH FOREIGN MINISTER, MR. DELCASSÉ, TO THE NICARAGUAN MINISTER IN PARIS, MR. CRISANTO MEDINA, 22 OCTOBER 1900

(Memoria presentada al Congreso Nacional por el Ministro del ramo Ingeniero Dn. J. A. Urtecho, Managua, Tipografía Alemana de Carlos Heuberger, 1917, Vol. II, p. 404)

REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN AFFAIRS

Legation of Nicaragua

Paris, 22nd October 1900

Mr. Minister:

By a note dated 22 September last, you were kind enough to apprise me of the rights that the Republic of Nicaragua was in a position to uphold over certain islands of the Coast on the Atlantic and in particular, over the Mangle Chico and Mangle Grande [Little and Great Corn] islands mentioned in the Arbitral Award issued by the President of the French Republic on the 11th of the aforesaid month between Colombia and Costa Rica.

To that end, You invoke the Treaty concluded between those two States on 20 January 1886 regarding their respective delimitations and according to the terms of which the arbitration may not affect the rights that a third party might claim as to the property of the territory in dispute.

Taking that convention into account, as well as the general rules of ius gentium, in designating the islands listed in his Award in a nominative manner, the Arbiter has intended nothing but to state that the territory of those islands, mentioned in the Treaty signed on 30 March 1865 by the Republics of Costa Rica and Colombia, does not belong to Costa Rica.

In those circumstances, the rights of Nicaragua over these islands are unaffected as heretofore, not having the Arbiter set out to in any way settle a question that had not been submitted to him.

Please accept the assurances of my highest consideration by which I have the honor to be, Mr. Minister, your most attentive and obedient servant.

(Signed. Delcassé)

To His Excellency mister Crisanto Medina, Minister of Nicaragua. - Paris.

Annex 34

DIPLOMATIC NOTE FROM THE FRENCH FOREIGN MINISTER, MR. DELCASSÉ, TO THE COLOMBIAN MINISTER IN PARIS, MR. JULIO BETANCUR, 26 OCTOBER 1900

(Copie Certifiée Conforme á l´Original Conservé aux Archives du Ministère des Affaires Etrangères de la République Française.
Paris, le 09 avril 2002. Le Directeur des Archives, Yvon ROE d´Albert)

PARIS, 26 October 1900

Mr. Betancourt
Colombian Minister in Official Mission.
In Paris.

Mr. Minister:

By a Note sent to the Foreign Ministry on 22nd September last, the Representative of the Republic of Nicaragua in Paris has stated the rights that his government would be in capacity to uphold over the Mangle Chico and Mangle Grande [Little and Great Corn] islands mentioned in the Arbitral Award rendered on 11 September of the same year between Colombia and Costa Rica.

He invoked on this occasion the treaty concluded by both States on 20 January 1886, with a view to their respective delimitation and to the terms thereof according to which the arbitration in question may not affect the rights that a third party might claim as to the property of the territory in dispute.

I have the honor to forward you a copy of the dispatch I addressed to Mr. Crisanto Medina in response to his observations, and I would appreciate it if you could acknowledge receipt of this document.

Annex 35

DIPLOMATIC NOTE FROM THE COLOMBIAN MINISTER IN LONDON TO THE BRITISH FOREIGN OFFICE, 19 FEBRUARY 1913

(General Archives of Colombia, 1913)

Document on page to follow

COPY.

February 19th. 1913.



Monsieur le Ministre,

I am instructed by my Government to communicate to your Excellency that the authorities of the Island of San Andrés have informed that it is the practise of fishermen coming from the islands of Gran Caiman and Caiman Brack, to visit the Coasts of the said Island and fish, especially for tortoise shell without complying with the formalities and without paying the dues established by Colombian Law. Under these circumstances, my Government desires that such irregularities should cease, and I am instructed, in consequence, to submit the matter to your Excellency with the request that the necessary steps should be taken. I would be most thankful if your Excellency would signify the intentions of His Majesty's Government on this subject.

I have the honour etc.

His Excellency,

Sir Edward Grey, Bart. K.G., M.P.
Etc. Etc. Etc.

Annex 36

DIPLOMATIC NOTE FROM THE NICARAGUAN FOREIGN MINISTER TO THE COLOMBIAN FOREIGN MINISTER, 24 DECEMBER 1913

(Archives of the Ministry of Foreign Affairs of Colombia)

Managua, 24 December 1913

Mr. Minister:

After considerable delay this Office has received Your Excellency´s note of 25 September last, wherein you include legalized copy of another [note] that Your Excellency represents to have addressed to this Secretariat dated 9 August last, through the Nicaraguan Legation in Washington.

This, and the fact that the Nicaraguan Minister to the United States, according to a cable from the Legation dated 22 December, has received no note from the Colombian Foreign Ministry, shall serve as sufficient explanation to Your Excellency to justify the silence of this Government and its delay in replying precisely and with the urgency that the situation demands regarding the important questions that Your Excellency raises in the aforementioned documents.

Your Excellency's note of 9 August states that the Government of Colombia has objected to Article 2 of the Treaty between Nicaragua and the United States, leasing Great Corn Island and Little Corn Island in the Caribbean to the United States, on the grounds that Colombia has sovereign rights on incontestable title, and that your Government has drawn the attention of my Government to this on more than one occasion; and that you protest at what Your Excellency calls 'acts of usurpation' over those islands.

Your Excellency adds that the terms of the agreement, published in the press of North and South America, again oblige your Government to protest formally that Colombia's rights of sovereignty have been ignored and you repeat the reservations contained in several notes sent to my Government by several of your predecessors. Your Excellency concludes that the Colombian Minister in Washington has received instructions to express those reservations to the U.S. Secretary of State.

Your Excellency will allow me to reply that since there is a treaty, not yet formalized, between the United States and Nicaragua, of mutual convenience to the two countries, kept secret for international reasons and only affecting the countries signing it, I

cannot enter into any discussion of any kind of any clause which that agreement might take.

Further, Your Excellency refers to unofficial press reports on this matter as the basis of the notes which I have the honor to reply to, in order to make statements with regard to Colombian sovereignty over Great and Little Corn Island, following the protests of Your Excellency's predecessors, without adducing any new reasons for the rights claimed. I therefore thing it my duty to adopt and restate replies given to your Chancery by Nicaraguan Ministers of Foreign Affairs, Dr. Adán Cárdenas in 1880, Dr. Benjamín Guerra in 1890, Don José Dolores Gámez in 1896, all of whom refuse to recognize any alleged rights of Colombia over Mosco territory; all of which deny any shred of doubt or question in law, that Nicaragua has plain and unblemished rights to that territory, and reject totally the idea of arbitration proposed by Your Excellency's Government since they consider that Nicaragua's rights are clear and unquestionable and that therefore there is no territorial dispute between the two countries.

I could end my reply at this point, but I am bound by the untouchable rights of Nicaragua to state that in legal terms, the only title to the Mosquito Coast and adjacent islands cited in Your Excellency's notes is transitory and no longer exists -, the Royal Order of San Lorenzo dated 30 November 1803, signed by Minister Soler.

In effect, Minister, an administrative and merely military document, issued for defense purposes, can hardly be interpreted as claimed, as any serious or formal title of ownership and sovereignty.

The fact that it was an administrative, transitory and simply military measure can be seen from the fact that it was no more than a Royal Order. If it had been intended to segregate territory, it would have been issued as a Royal Decree, with all the necessary ceremony, and stated to be issued by the King who would have signed it himself or at least initialed his Minister's signature, after an audience of the Council of the Indies.

I trust that I do not offend Your Excellency's renowned learning by noting here that there is a great difference between a Royal Order and a Royal Decree, and by asking which of the two supreme forms of instruction would have been required to deprive a Province of a whole coast which was then (as it is now) the lifeline of its trade.

Your Excellency will certainly not fail to appreciate the scope of the Royal Order, since it was dictated upon the recommendation simply of the Fortifications and Defense Board, and not of the Council of the Indies which would have been the appropriate authority for the segregation of a territory, as suggested. That the Board was then consulted and sent reports dated 20 September and 21 October 1803, that the object of the measure was to protect the coasts with patrols from Cartagena, and finally, that the Secretary for War was involved in the matter, without either Audience being informed of the fact.

Eminent Colombian commentators on this matter have said the same. One was Don Pedro Fernández - Madrid, former Minister of Foreign Affairs, who spent almost all of his life on the border problems of his country, and became an authority on the matter. He wrote a paper on the value of Colombia's title to the Mosquito Coast on 29 November 1852, published in *El Repertorio Colombiano*, Issue 48, June 1882, as if in response to consultation of the Government of Nueva Granada on October 12 and November 2 of that year, and he said:

> "Our title to the Mosquito, reduced to the onerous rights imposed by the Letters Patent of 30 November 1803, is worth nothing and is of no use to us. We should therefore cease to rely on it in order to avoid other kinds of problems."

With this explicit statement on the positive scope and intention of the Royal Order, with both Mr. Fernández - Madrid and Minister Herrán, in his note of 7 January 1839 to the Chancery of the Republic of Central America, cited by Colombia, both mistakenly call "Letters Patent", I think that any other comment on this point is superfluous; I will therefore now turn my attention to show that the Royal Order of San Lorenzo was not complied with and no longer exists.

For this purpose, it will be sufficient to refer to the Royal Order of Aranjuez of 28 February 1804, from the pen of the same Minister Soler, give three months after the previous Order, in which he ignored it and approved that "the instruction given by the (President of Guatemala) to prevent fraud in the traffic permitted down the San Juan River in Nicaragua and to excuse the extortion on trade caused by the dilatory and useless practice of visiting vessels arriving."

Still, seven months afterwards, as a new proof that the Royal Order of San Lorenzo was never effective and that the Government of Spain continued to consider that it did not exist, there came a new Royal Order of 8 August 1804, also signed by Minister Soler, approving the creation of a garrison for the port of San Juan, issued by the Captain General of Guatemala, thus leaving the Mosquito Coast and its port, San Juan, under the uninterrupted administration of Guatemala and the Governor of Nicaragua.

The Royal Order of 31 May 1808, acting on recommendations sent to the King by the President of Guatemala in letters of 3 January and 18 June 1806, attaching a memorandum on navigation and trade on the San Juan River, proposing that free franchise be maintained, etc, etc, approved this and other matters raised in the memorandum.

Another Royal Order of 3 July 1810 approved the decision of the President of Guatemala to allow the brigantine *Esperanza*, from Santa Marta, to unload at the Gulf of Honduras and sell its goods, in exchange for a small consideration on the part of the vessel; and did the same for two or three expeditions arriving from Cartagena to the San Juan River in Nicaragua. The Royal Order states that on that dates it was expected that the Viceroy of Santafé would not grant these permits.

Further, Minister: After 1810, date of the *uti possidetis*, which the South American Republics invoke in favor on territorial matters, on 1 December 1811, when the Provinces of Central America, now Republics of the same name, were still under Spanish rule, the Crown exercised dominion and sovereignty over the Caribbean coast which Your Excellency's Government so groundlessly claims by repairing the ports of Matina following a decree from Cadiz, which took no account whatsoever of Colombia.

All this shows that even after the South American Republic rebelled, Spain retained full possession of the Caribbean coast of Central America, and therefore Colombia had no power over that region.

Here I should quote another of Pedro Fernández Madrid's authoritative opinions from the aforementioned Memorandum, where he states:

"Furthermore, if on the one hand the matter of recovering the Mosquito coast is beyond our powers, on the other, the title we have over that territory is so irregular and indefinite that strictly speaking, it is no more than a duty to offer protection at sea as required to ward off foreign attackers. It is also certain that, after considering all the circumstances, this would appear to have been the intention behind the Letters Patent of 1803: no new territory or Province was added to Nueva Granada, merely a portion of the Mosquito Coast. And we cannot interpret the word 'coast' to mean areas inland or the coastal settlements of Moin or Bluefields, which always were, even after the issue of the order, under the exclusive control of Central America."

This agrees precisely with the frontiers drawn by the famous writer José Manual Restrepo in his "La Revolución de Colombia" [*The Revolution of Colombia*]:

"After forming a single republic out of Nueva Granada and Venezuela, the dividing lines between these two formerly Spanish parts of the Americas. Colombia's limits on the Caribbean from Cape Nassau, or rather the River Esequibo, the former frontier with Dutch Guyana, to the River Culebras, the border of the Province of Veraguas or Careta Point to the west of Lake Chiriquí between Bocas del Toro and the Port of Matina or Moin, which belong to Costa Rica in Central America."

Another eminent Colombian, Juan Félix de León, referring to Colombia's frontiers in his "La Constitución de los Estados Unidos de Colombia, según las lecciones orales de Derecho Constitucional dictadas en la Universidad Nacional" [*The Constitution of the United States of Colombia, as per the oral lectures of Constitutional Law given at the National University*] published with governmental authorization given in a Decree of President Julián Trujillo and endorsed by the Minister of Development, Pablo Arosemena, writes in the following terms:

"Caribbean: The coastline from the mouth of the River Paijana in Calabozo Bay, Gulf of Venezuela, or the Gulf of Maracaibo, to the River Las Culebras in Central America, including the whole coast of the Guajira and the States of Magdalena, Bolivar,

Cauca (in the Darien Gulf) and Panama's Atlantic shores. The Republic also possesses the Islands of San Andrés and Vieja Providencia, at 143 and 187 miles from the Lake Chiriquí. This line along its length forms a curving frontier."

With regard to this important statement, I must mention that in 1810, when Colombia rose up against the Crown, the Viceroyalty of Santafé did not possess San Andres and Vieja Providencia, since they were under the Captaincy General of Guatemala, over which Spain retained full sovereignty.

In any event, Mr. León recognizes in this statement that Colombia has no grounds to claim San Andrés and Vieja Providencia, since when setting the frontier with Central America at the River Culebras, he excludes the entire Caribbean coast of Central America, thus discarding the Royal Order of San Lorenzo, the only title Colombia has invoked for its ownership of those islands.

As a finishing touch to the evidence of the absolute inefficacy of the royal Order of San Lorenzo, I believe that it would be appropriate to transcribe Articles 1 and 2 of the peace treaty between Nicaragua and Spain, signed in Madrid, on 25 July 1850:

Article 1

> His Catholic Majesty, in exercise of the powers given by decree of the Royal Court of the Kingdom on 4 December 1836, renounces forever, in the most formal and solemn manner, in his own name and that of his successors, to sovereignty, rights and actions over territory in the Americas between the Caribbean and the Pacific, with its adjacent islands, formerly known as the Province of Nicaragua and now the Republic of the same name, and other territories incorporated into that Republic.

Article 2

> Therefore, His Catholic Majesty recognizes the Republic of Nicaragua s a free, sovereign and independent nation, with all the territories it now holds or which it may acquire in the future."

> This is clear and incontestable evidence, solemnly given by the same authority that Colombia now invokes to support its claims, allowing that Nicaraguan territory extends from coast to coast with the adjacent islands. Such a declaration would have been impossible if His Catholic Majesty's Government had considered the Royal Order of San Lorenzo was still in force at the time of emancipation, and closes the matter to any further discussion.

It is thus plain that no right or even the faintest shred of justice allows Colombia to make such claims to the Government of Nicaragua. I need only add that the doctrine of *uti possidetis* invoked by Minister Herran's note does not apply to this case either.

First, it is inadmissible for Colombia to claim that uti possidetis was determined in 1810, since after that year Colombia again came under Spanish control; and second, in addition to the absolute lack of title and ownership of Colombia over our Caribbean coast and adjacent islands, there is the indisputable, clear and evident fact that Colombia did not possess that coast or the islands, which Spain never ceased to hold until 1821 when the former Provinces of Central America became Republics and acquired that inheritance and legitimate title.

If to all this we add the passive and indifferent attitude of Colombia over the long and difficult struggles of Nicaragua to safeguard its precious inheritance from the Motherland, it is evident that Colombia never took up the responsibilities of ownership of that coast or its islands; and coast and islands which Nicaragua defended alone, at countless cost, without Colombia making the least effort or the smallest sacrifice to defend it from foreign domination.

So it was in 1842 when Admiral Knight of the British navy declared a blockade on the port of San Juan del Norte, Nicaragua, and stopped all traffic until all the claims of the subjects of His Britannic Majesty were satisfied. Nicaragua stood alone in the defense of its rights.

It was also alone when England took possession of the expanses of Mosco territory, and remained alone during the long and historic diplomatic dispute to recover it from the British. The dispute ended with the treaty of 1860 under the illustrious President Gen. Tomás Martínez, when Nicaragua's full sovereignty over the Mosquitia territory was recognized and the ports of San Juan del Norte and Cape Gracias a Dios were returned, and the sacred flag of Nicaragua was again raised amidst solemn celebrations by the government an the unbounded joy of the people.

Nicaragua was also alone in a new dispute with England on the Mosquitia reserve, which gave rise to the arbitral decision of His Majesty the Emperor of Austria, leading to the definitive incorporation of that territory into Nicaragua, in a solemn act in which the local population spontaneously declared themselves to be Nicaraguan citizens.

So, Minister, Nicaragua's ownership of the Caribbean coast between Honduras and Costa Rica, and the islands attached to it, and possession for four hundred years, never interrupted, of that territory and islands, are questionable. I must naturally therefore give Your Excellency a precise and specific reply on the particular point which Your Excellency mentions in the copy of the note of 9 August, to wit: that if Nicaragua were to lease or had leased Great Corn and Little Corn Islands, it would do so, or would have done so, by virtue of ownership and sovereignty which it holds over them; ownership and sovereignty over Nicaraguan territory which Colombia lacks as ground for objecting to actions of this nature.

And I should add here, for the same reason, that with regard to the Archipelago of the islands of San Andrés, Vieja Providencia and Santa Catalina and all the other

islands and cays adjacent to the Mosquito Coast, Nicaragua most solemnly states that it recognizes no right that Colombia may allege, whether based on a Royal Order that was never carried out and which, from the time of its issue was held never to exist; or based on illegitimate possession which has all the characteristics of a true deforcement; and therefore it reserves for all times and occasions its right to claim dominion and sovereignty over that Archipelago.

With this answer to Your Excellency's note, and in defense of Nicaragua's rights, I am pleased to take this opportunity to present to Your Excellency the expressions of my highest appreciation and esteem.

Diego M. Chamorro

To H.E. Mr. Francisco José Urrutia,
Minister of Foreign Affairs of Colombia
Bogotá

Annex 37

DIPLOMATIC NOTE FROM THE COLOMBIAN MINISTER IN LONDON TO THE BRITISH FOREIGN OFFICE, 25 MARCH 1914

(General Archives of Colombia)

Legation of Colombia - London, 25 March 1914.

Dear Minister:

Referring to certain notes addressed by the Minister of Foreign Affairs of Colombia to the Legation of this Republic in London, dated in the first months of 1913 and relative to the habit that fishermen of Great Cayman and Cayman Brak islands have of visiting the Colombian Archipelago of San Andrés and Providencia, with the aim of fishing there turtles without complying by the demanded formalities and not paying the rights prescribed by Colombian laws - matter which was brought to your attention back then by the Chargé d'Affaires of Colombia in London in a note dated 19th of February 1913 - I have instructions from my Government to address your Excellency and explain to you the following facts:

The Colombian Government has constantly received complaints from the San Andrés' authorities regarding the illegal practice performed by some subjects of His British Majesty of fishing turtles in those islands, not only it has not diminished, but instead it seems to increase. My Government has the conviction that the nuisances these events have caused displease the Government of His British Majesty just as much as its own self.

To that end I have been instructed by my Government to request that Your Excellency pays due attention to this matter, so that this anomalous situation may end as soon as possible.

With the highest consideration I have the honor to remain Your Excellency's most obedient and humble servant

Pedro M. Carreño

Annex 38

DIPLOMATIC NOTE FROM THE BRITISH LEGATION IN BOGOTÁ TO THE COLOMBIAN FOREIGN MINISTRY, 11 MAY 1914

(Jamaica Archives)

Document on page to follow

His Britannic Majesty's Legation present their compliments to the Ministry for Foreign Affairs and have the honour to inform them that the attention of the Legation has been called to certain rules and regulations applicable to the tortoise shell fisheries which have recently been framed for the Archipelago of San Andrés as an Intendency of the Republic subject to special rules and regulations.

His Majesty's Legation will be greatly obliged if the Ministry of Foreign Affairs could supply them with copies of the special rules and regulations in question together with any others at present in force relating to these fisheries.

May 11th, 1914.

Annex 39

DIPLOMATIC NOTE FROM THE COLOMBIAN FOREIGN MINISTRY TO THE BRITISH LEGATION IN BOGOTÁ, 1 JUNE 1914

(Jamaica Archives)

Document on page to follow

The Ministry of Foreign Affairs present their compliments to His Britannic Majesty's Legation at Bogotá and in reply to their Note Verbale of May 11th of this year have the honour to inform them that the revenue obtained from the tortoise shell, turtle and pearl fisheries, etc., etc., was ceded by Article 7 of the Law No.52 of 1912 to the National Intendency of San Andrés and Providencia, and that the Intendente was authorised by Article 6 of the Executive Decree No. 1090 of that same year to hire out at public auction the said fisheries with all the conditions ordered by the Law, thus indicating the intention of the Government of Colombia to reserve to themselves and to subject to special prescriptions the exercise of that right.

Bogotá, June 1st, 1914.

Annex 40

DIPLOMATIC NOTE N° 1 FROM THE UNITED STATES MINISTER IN BOGOTÁ TO THE COLOMBIAN FOREIGN MINISTER, 1 MARCH 1919

(*Anales Diplomáticos*, Bogotá, 1957, p. 597)

Legation of the United States of America - No. 1 - Bogotá, 1 March 1919.

Excellency:

I am honored to inform Your Excellency that I have received instructions from my Government that say that the Department of Commerce of the United States wishes to obtain permission from Your Excellency's Government to build certain lighthouses to benefit general navigation, as follows:

One on the eastern or southern coast of the island of old Providencia and another on the island of Courtown Cays.

In case the Colombian Government grants its authorization, these lighthouses would not need a caretaker and would be placed atop small steel towers, 40 feet high from the base. Each tower will require a small area of land of some fifty square feet. The lighthouses can be placed under the surveillance of the local employee that the Colombian Government has on each of those islands. The Government of the United States will pay for all the costs of building and maintenance of the cays, along with any local surveillance service they might require.

The lighthouses would have to be examined twice or thrice a year by an official of the United States lighthouse service. Other than that, it would be useless for the United States Government to maintain any employee on the towers that will not require any service other than the aforementioned one.

I am honored to request Your Excellency to inform me, at the earliest possible time, if the Government of Colombia would be kind enough to allow the construction of the aforesaid lighthouses which, in my Government's opinion, would greatly facilitate navigation in the waters neighboring the above-mentioned and greatly reduce the risk those places currently present.

I take this opportunity to assure Your Excellency that this request does not indicated that the Government of the United States takes any position with regard to the claims that might exist to the sovereignty over the islands in question.

Please accept, Your Excellency, the assurances of my highest consideration.

Hoffman Phillip

To His Excellency, Mr. Pedro Antonio Molina, Minister of Foreign Affairs of Colombia

Annex 41

DIPLOMATIC NOTE FROM THE COLOMBIAN FOREIGN MINISTER TO THE UNITED STATES MINISTER IN BOGOTÁ, 15 MAY 1919

(*Anales Diplomáticos*, Bogotá, 1957, Tomo VI, p. 598 y 599)

Mr. Minister:

I am honored to refer to Your Excellency's kind note, dated 1st March last, whereby Your Excellency informs me that you had received instructions from your Government, according to which the Department of Commerce of the United States wishes to obtain permission from the Government of Colombia to build two lighthouses to benefit general navigation: One of them in the southern or eastern coast of the island of old Providencia and another on the island of Courtown cays, both of the Archipelago of San Andrés and Providencia, belonging to the Republic of Colombia.

Your Excellency has also seen fit to convey to me that for building each of the aforesaid lighthouses, an area of land of approximately fifty square feet would be necessary; that the Government of the United States would pay for all the costs of its building and maintenance, as well as for any local surveillance service they could require, a position that could be filled by an employee of the Colombian Government in each of those islands, although the works would have to be inspected twice or thrice a year by an official of the lighthouse service of the United States.

In reply, I must communicate to Your Excellency, in order for you to so inform the enlightened United States Government, that subsequent to 1915 my Government, through the Ministry of Public Works, has been taking the indispensable steps with a view to the construction of lighthouses on several locations both in the Atlantic as well as in the Pacific coasts, and especially in the Archipelago of San Andrés and Providencia, and to that effect the towers and other elements required for the construction of such works were requested from abroad, but, due to the World War, and very particularly the United States law on exports regulation, it has been impossible thus far to obtain the materials required for that purpose. Your Excellency's own Government took for its own service, in late 1917, several elements for lighthouses and buoys that the American Gassaccumulator [Co.] had readied with the purpose of shipping them to the Colombian Government. As soon as the abnormality of the circumstances that have prevented my Government from sending the materials for the lighthouses to the Archipelago dissipate, they will be built on the referred-to islands. And in the month of March, the Ministry of Public Works has addressed the Republic's Minister in Washington, in order for him to inform the American Gassaccumulator [Co.] that the Government would be pleased to

see that, under equal circumstances, that company takes charge of the construction and placement of the lighthouses of that Archipelago.

In addition, I must inform Your Excellency that the Colombian Government is not legally enabled to grant permission to foreign Governments to build works in the national territory, or to occupy any part of the Republic's territory.

I am pleased to take this opportunity to renew to Your Excellency, the assurances of my most distinguished consideration.

Antonio Gómez Restrepo

To His Excellency Mr. Hoffman Philip, Extraordinary Envoy and Plenipotentiary Minister of the United States of America.

Annex 42

DIPLOMATIC NOTE Nº 72 OF THE COLOMBIAN MINISTER IN MANAGUA TO THE NICARAGUAN FOREIGN MINISTER, 10 DECEMBER 1923

(Archives of the Ministry of Foreign Affairs of Colombia)

Legation of Colombia
Number 72
in Central America

Managua, 10 December 1923

Mr. Minister:

The Governments of Colombia and Nicaragua having thoroughly discussed, by means of Foreign Ministry notes, the issue regarding the rights of dominion and sovereignty that each of the two Nations claims to have over the Mosquito Coast, the Islas Mangles, that is Great Corn Island and Little Corn Island, and the Islands of San Andrés and Providencia; and both Governments sharing the wish to find the solution of that issue in a direct and amicable settlement, Your Excellency's Government saw fit to create a Commission integrated by Messrs. Modesto Barrios, Manuel Pasos Arana and Ramon Ignacio Matus, as Advisory to the Ministry in the study of this solution. I have had the honor to hold conferences with the Advisors, to that end, and in the course thereof, agreeing to the notion that that direct settlement implies a transaction and - consequently - the quitclaim by both States of their respective extreme claims, I verbally advanced a settlement proposal to the Advisory Commission.

With the purpose of stating the genuine meaning and true scope of that proposal, I deem it convenient to lay down in this note the terms in which it was formulated, to wit:

The Republic of Colombia would renounce the rights of dominion and sovereignty it has held and holds over the Mosquito Coast, comprised between the San Juan River and Cape Gracias a Dios, and over the Islas Mangles, and the Republic of Nicaragua would in turn renounce the rights it believes it holds over the Islands of San Andrés, Providencia, Santa Catalina and the other Islands, Islets and Cays of the Archipelago.

This proposal entails the utmost renunciations and concessions that Colombia would make, in its wish to see its differences with the cultured and appreciated Nicaraguan Nation ended, and compelled by the spirit of hemispheric brotherhood that has always

been the core of its foreign policy; and that has led it to seek the resolution of its international affairs by means of direct and friendly settlement, that entails not only the termination of the controversies, but also the extinction of complaints and resentments between the Nations involved derived thereof, and the firm and vigorous rebirth of the cordiality in their relations.

I trust that the enlightened Government of Nicaragua will carefully and serenely study the settlement proposal that I have been honored to advance, since on more than one occasion, it has expressed its wish, shared by Colombia, of coming to a direct and friendly understanding; and that it shall thus appreciate the beneficial character of this proposal and the high sentiments and objectives that motivate it.

I am pleased to renew to Your Excellency, the assurance of the appreciation and distinguished consideration with which I am honored to sign, your most attentive and respectful servant.

(Signed)
Manuel Esguerra

Annex 43

DIPLOMATIC NOTE FROM THE COLOMBIAN LEGATION IN LONDON TO THE BRITISH FOREIGN OFFICE, 12 JANUARY 1924

(British National Archives, Ref.: FO 371/9529, A 403)

Documents on pages to follow

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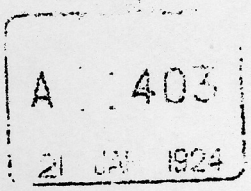
(TRANSLATION)

No. 2866.



COLOMBIAN LEGATION.

12th January, 1924.

My Lord,

The authorities of the archipelago of San Andres, which with the adjacent shoals and islets forms part of the insular territory of Colombia, and which is governed by the same laws and regulations as the rest of the Republic, have for some years past been requesting the government to take suitable steps in order that fishing schooners from Grand Cayman and Cayman Brak manned by British subjects may be prevented from continuing to invade the coasts and territorial waters of the archipelago and the shoals of Serrana, Serranilla, Roncador, Bajo Nuevo, Quitasueño, Albuquerque and Courtown, and the neighbouring islands, in order to devote themselves to fishing for tortoise shell, sponges, pearls, and other products of the waters of that region over which Colombia exercises sovereignty.

On February 19th, 1913 this Legation had the honour, in a note signed by M. Restrepo, to communicate to the Secretary of State an account of the proceedings of the fishermen from the Cayman Islands, and to request the Secretary of State to take some steps in order that this state of affairs, which was detrimental to Colombian interests in that part of the Republic, might cease.

On March 25th, 1914 M. Carreño, the Colombian Minister in London, once more addressed the Secretary of State pointing out that fishing vessels from the Cayman Islands continued to

visit/

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

etc., etc., etc.

visit the archipelago and adjacent shoals for the purpose of carrying on the illegal fishery of the products of its coasts, and requesting His Majesty's Government to devote their attention to the termination of this situation.

On April 3rd of that same year, in a note to the Secretary of State in which M. Carreño, the Minister, confirmed the contents of his note of March 25th, this Legation replied to the note which the Secretary of State was good enough to address to them on March 30th.

Complaints by the Colombian authorities of the archipelago of San Andres continue to reach the Colombian government respecting the fishing which British subjects living in the islands of Grand Cayman and Cayman Brak continue to ply, without any authorisation, on the coasts of the islands and shoals of archipelago, and in its territorial waters.

For many reasons my government have had no desire during recent times to distract the attention of His Majesty's Government by importunity in this matter, but have awaited the result of the steps which ~~they~~ his Excellency might take to correct the irregularity in question.

In view of the fact that, not only has this anomalous situation continued but becomes more acute every day that passes, to the detriment and injury of the rights and interests of Colombia in that part of its territory, my government have instructed me to approach the Secretary of State once more, and to invite his attention to the illegal fishery which British subjects inhabiting the islands of Grand Cayman and Cayman Brak carry on in the archipelago of San Andres and the adjacent shoals, an integral part of the territory of the Republic, in order that ~~he~~ his Excellency may be so good as to devise the means to put an end to this anomalous state of affairs.

RECEIVED IN REGISTRY
18 JAN 1924
FOREIGN OFFICE

I have, etc.,

(Signed) Luis Cuervo-Márquez.

Annex 44

DIPLOMATIC NOTE FROM THE BRITISH FOREIGN OFFICE TO THE COLOMBIAN LEGATION IN LONDON, 17 JULY 1924

(British National Archives, Ref.: FO 371/9529, Registry N° A4304/403/11)

Documents on pages to follow

Registry No. A 4304/403/11.

C.E.S.D.

Draft.

~~Senor Dr. Don Luis Cuervo Marquez~~ ?

Colombian ~~Legation~~. Minister

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July 17, 1924.

Sir,

With reference to my note No. A 403/403/11 of February 4th last, I have the honour to inform you that the Secretary of State for the Colonies did not fail to communicate with the Governor of Jamaica on the subject of the alleged irregularities of Cayman Islands fishing vessels in the archipelago of San Andres. A report has now been received from the officer administering the Government of Jamaica that appropriate instructions were given to the Commissioner of the Cayman Islands dependency, and the latter has reported that he immediately issued a Government Notice (copy of which I beg leave to enclose herewith) and that he instructed the collectors of customs personally to warn all masters of

fishing/

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fishing vessels leaving the dependency in connection with the matter. The Commissioner also reports that he had no reason to think that the irregularities complained of are committed by fishing schooners from Grand Cayman, these schooners being engaged exclusively in the catching of green turtle; that the Collector of Cayman Brac, however, was instructed to report on the matter, and in his annual visit to that part of the dependency during the month of June the Commissioner would make close enquiries in connection with the matter and will report further in due course.

I am, &c.,
(Secretary of State)

(Signed) G. R. WARNER.

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Annex 45

DIPLOMATIC NOTE N° 232 WITH ENCLOSURE (DRAFT TREATY) FROM THE COLOMBIAN MINISTER IN MANAGUA TO THE NICARAGUAN FOREIGN MINISTER, 18 MARCH 1925

(Archives of the Ministry of Foreign Affairs of Colombia)

Legation of Colombia
in
Central America

Num. 232

Managua, 18 March 1925

Excellency,

According to the verbal discussions I have had the honor to hold with your Excellency regarding the advisability of reaching a fair and decorous solution for Colombia and Nicaragua to the controversy that they have been having regarding the territorial sovereignty of the Mosquitia Coast, the Mangle Islands [Corn Islands] and the Archipelago of San Andrés and Providencia, and the possibility of finding that solution in a direct and friendly settlement in which each Party desists from its extreme claims; and by virtue of Your Excellency's suggestion that the Legation summarize its views on this matter in a Draft Treaty, I have pleasure in enclosing that Draft with this note, in with which Colombia renounces in favor of Nicaragua the rights of dominion which it claims over the Mosquitia Coast, between the San Juan river and Cabo Gracias a Dios, and over the Mangle Islands, that is Great Corn island and Little Corn island; and Nicaragua, in turn, renounces in favor of Colombia, also absolutely and unconditionally, the rights it aspires to over the islands of San Andrés, Providencia and Santa Catalina and the other islands, islets and cays which form the Archipelago.

I believe that this solution perfectly harmonizes the interests of the two Nations and is the most efficacious for the definitive termination of the dispute and to secure in a lasting manner, the fraternal relations of friendship between them.

I have the pleasure of offering your Excellency, once more, my sentiments of high consideration and esteem.

(signed) Manuel Esguerra

To His Excellency Mr. Dr. Salvador Castrillo, Minister of Foreign Affairs of Nicaragua
At Your Office

Legation of Colombia
in Central America

Num. ---

D R A F T T R E A T Y

The Republic of Colombia and the Republic of Nicaragua, for the purpose of definitively resolving the controversy pending between them regarding dominion and sovereignty over the Mosquitia Coast and the Archipelago of San Andrés and Providencia, and thus to bring closer still their relations of friendship, have decided to settle that controversy in a friendly manner under a Public Treaty, for which they have appointed the following Plenipotentiaries, to wit:

His Excellency the President of Colombia, [has appointed] Mr. Manuel Esguerra, Envoy Extraordinary and the Minister Plenipotentiary of the same Republic before the Governments of Central America; and His Excellency the President of Nicaragua, [has appointed] Mr. Salvador Castrillo, Minister of Foreign Affairs.

Who, having communicated their respective full powers, found in good and due form, have agreed as follows:

Article 1. - The Republic of Nicaragua renounces, in a definitive and absolute manner, in favor of the Republic of Colombia, the rights of dominion, possession, and sovereignty which it has believed itself to hold over the islands of San Andrés, Providencia, Santa Catalina and all the other islands, islets and cays of the Archipelago of San Andrés and Providencia; and consequently recognizes Colombia as the owner and sovereign of that Archipelago. And the Republic of Colombia renounces, in a definitive and absolute manner, in favor of the Republic of Nicaragua, the rights of dominion, possession and sovereignty that it has maintained over the Mosquitia Coast, comprised between the mouth of the river San Juan on the Atlantic and the Cape Gracias a Dios, and over the islands called Great Corn Island and Little Corn Island, or Mangle Islands; and consequently recognizes Nicaragua as the owner and sovereign of that Coast and of these two islands.

Article 2. - This Treaty shall be approved and ratified by the High Contracting Parties in accordance to the Laws of each country, and the ratifications shall be exchanged in the city of Managua within the following four months.

In faith whereof the said Plenipotentiaries sign this Treaty in two copies and affix their respective seals thereon in the city of Managua on the ---- day of the month of ---- 1925.

Annex 46

DIPLOMATIC NOTE N° 157 FROM THE NICARAGUAN FOREIGN MINISTER TO THE COLOMBIAN MINISTER IN MANAGUA, 28 MARCH 1925

(Archives of the Ministry of Foreign Affairs of Colombia)

Ministry of Foreign Relations

Diplomatic Section
Palacio Nacional Number 157- Managua, 28 March 1925

Your Excellency,

I have received Your Excellency's kind note, to which you attach the Draft Treaty that Your Excellency saw fit to propose to my Government to put an end to the controversy over the islands of the Archipelago of San Andrés, etc, on the one hand, and over the Mosquito Coast and the Mangle or Corn islands on the other, which the Government of Nicaragua and that of the Republic of Colombia have been sustaining.

I see fit to express to Your Excellency that, under instructions from the President, I had been studying those issues with Your Excellency until culminating in the draft that you propose for my Government's consideration, and that, had the political events which have precipitated within these last few days allowed it, it is very likely that this important matter would have been solved under equitable and cordial terms, with good will on the part of both.

With the highest consideration, I avail myself of this opportunity to reiterate to Your Excellency the assurances of my most distinguished appreciation and highest consideration.

(signed) Salvador Castrillo.

To His Excellency Don Manuel Esguerra, Envoy Extraordinary and Minister Plenipotentiary of Colombia. Legation.

Annex 47

DIPLOMATIC NOTE FROM SIR AUSTEN CHAMBERLAIN, BRITISH FOREIGN SECRETARY, TO THE COLOMBIAN MINISTER IN LONDON, 7 JULY 1926

(Archives of the Ministry of Foreign Affairs of Colombia)

Documents on pages to follow

Copy

05589

No.A 3613/21/11.

FOREIGN OFFICE, S.W.1.

7th July, 1926.

Sir,

On the 27th May last you were good enough to communicate to this department a copy of a telegram which you had received from your government stating that a British vessel, the "Expeditor" was fishing off Quitasueño bank without a licence, that the crew were resolved to resist any attempt to capture them and that the Colombian Government are obliged to insist on their rights of sovereignty being respected.

2. In reply I have the honour to inform you that His Majesty's Government have abstained from raising the question of the sovereignty of this bank while the case of the Cayman Island fisherman arrested in September 1925 was still sub judice in the Colombian Courts. Now that the Carthagena Court has delivered its judgment, however, and having regard to the further assertion of sovereignty over the reef contained in your government's telegram, His Majesty's Government have submitted the whole question to a renewed and careful examination.

3. His Majesty's Government are, of course, aware of the Colombian claim to sovereignty over the archipelago of San Andres and recall the previous requests of the Colombian Government to restrain the inhabitants of the Cayman Islands from fishing in Colombian territorial waters. Their attention has, however, recently been drawn to certain aspects of the question which conflict fundamentally

Monsieur Luis Cuervo Marquez,

etc., etc., etc.

70

fundamentally with the Colombian claim to sovereignty over Quitasueño..

4. In the first place His Majesty's Government find themselves unable, in view of the full information now in their possession with regard to the physical characteristics of Quitasueño bank, to admit that it has any claim to be regarded as an island, or that it is capable, in accordance with the usage of international law, of forming part of the territory of any power. In consequence they cannot regard the waters in its immediate vicinity as possessing any territorial character. From the information in their possession (which includes what is believed to be the only detailed examination of this extensive reef ever made by a properly equipped surveying vessel, together with the results of a running survey performed quite recently by another of His Majesty's ships) it appears that this bank, which is situated upwards of forty miles from the nearest Colombian territory, is composed of a submerged reef, about thirty miles in length, of which no portion (with the exception of a small, solitary and quite uninhabitable rock, and of the lighthouse recently established by the United States Government for the general benefit of shipping) is normally visible above the surface of the sea They hold therefore that the Quitasueño bank is, by the law of nations, a part of the open sea in which the nationals of all countries have equal rights.

5. In the circumstances therefore His Majesty's Government are unable to recognise that it is open to the Colombian Government to prohibit or prevent British fishermen from fishing there.

6. Furthermore, His Majesty's Government understand that on February 25th, 1919, the President of the United States issued a proclamation declaring that Quitasueño

71

banks

banks was under the sole and exclusive jurisdiction of the United States and out of the jurisdiction of any other government. Even, therefore, if His Majesty's Government had been disposed to recede from the position which, in view of the information in their possession as to the physical characteristics of this bank, they have felt it incumbent upon them to adopt, it would still be impossible for them to recognise the bank as the territory of any Power until the conflicting claims of the United States and Colombia, together with any which might possibly be adduced by other Powers, had either been amicably adjusted or, in default, made the subject of a binding award by an international tribunal.

7. His Majesty's Government are therefore compelled to insist that there shall be no further molestation of British fishermen on the Quitasueño bank, and to reserve their right to claim compensation from the Colombian Government for the seizure and detention in Colombia of the Cayman Islanders arrested by the Colombian authorities whilst lawfully fishing on that bank in September last.

I have, etc.,

(Signed) AUSTEN CHAMBERLAIN.

Annex 48

PROPOSAL SUBMITTED BY THE COLOMBIAN MINISTER IN WASHINGTON TO THE DEPARTMENT OF STATE, 2 AUGUST 1927

(*Papers Relating to the Foreign Relations of the United States*, Washington, 1927, Volume I, pp. 328-329)

Documents on pages to follow

to the United States. It also settles in favor of the United States our claims over these keys and furthermore we get permission to construct the two other lighthouses which the Navy and Commerce Departments consider necessary for the safety of navigation in those waters.

F[RANCIS] W[HITE]

717.2114/68

The Colombian Legation to the Department of State [63]

[Translation [64]]

THE COLOMBIA-NICARAGUAN MATTER AND THE RONCADOR, QUITA SUEÑO AND SERRANILLA KEYS

Possible formulas:

Number 1: The Colombian and Nicaraguan plenipotentiaries to sign at Washington a treaty consecrating the *status quo* as follows: Mangle Islands and the Mosquito to Nicaragua; San Andrés and Providencia to Colombia.

At the same time the United States and Colombia to sign an arbitration convention to settle in this way the dominion over the Roncador, Quita Sueño, and Serranilla Keys. The two parties may incorporate in this convention such provisions as they deem expedient.

Number 2: Colombia and Nicaragua to sign at Managua a treaty consecrating the formula: Mangles, Mosquito to Nicaragua; San Andrés and Providencia to Colombia.

At the same time the Governments of the United States and Colombia to exchange notes at Washington stating that the question of dominion over the Roncador, Quita Sueño and Serranilla Keys will be settled by means of an arbitration convention between the two Governments. In these notes the parties can make such statements as they deem opportune which are to be incorporated afterwards in an arbitration convention.

Number 3: The Secretary of State of the United States and the Ministers of Colombia and Nicaragua, duly authorized by their respective Governments, to sign a declaration or act, in which they will record the fact that the three Governments have accepted the following formulas to settle pending questions:

Nicaragua recognizes the rights of Colombia to the exclusive and complete dominion over San Andrés and Providencia.

Colombia recognizes the rights of Nicaragua to the exclusive and complete dominion over the Mosquito and the Mangle Islands.

---

[63] Left at the Department by the Colombian Minister, Aug. 2, 1927.

[64] Supplied by the editor.

The Governments of Colombia and Nicaragua engage themselves immediately to give effect to this agreement by means of a public treaty.

The United States and Colombia agree that the dominion of the Roncador, Serranilla and Quita Sueño Keys shall be settled by an arbitration convention between Colombia and the United States to whose terms the two Parties will agree later.

717.2114/52

The Minister in Nicaragua (Eberhardt) to the Secretary of State

No. 464 MANAGUA, *August 31, 1927.*

[Received September 19.]

SIR: With no instructions or comment from the Department to refer to in connection with my telegram No. 181 of July 28, 4 P. M., I have the honor to advise the Department that I have nevertheless discussed this entire question informally with President Diaz and intimated that I saw no reason why preliminary negotiations with the Colombian Minister should not be undertaken. I am informed that this has been done. I hope my action in the matter will have the approval of the Department. It would, however, be appreciated by both President Diaz and this Legation if the Department would indicate whether a settlement along the lines proposed by the Department in its instruction No. 212 of March 25 [*21*], 1925,[65] still seems advisable to the Department, or what, if any, additional representations and points might be brought up in negotiations tending toward the settlement of this old question.

I have [etc.] CHARLES C. EBERHARDT

717.2114/51 : Telegram

The Chargé in Nicaragua (Munro) to the Secretary of State

MANAGUA, *September 13, 1927—5 p. m.*

[Received 9:10 p. m.]

241. Legation's 181, July 28, 4 p. m. President Diaz informed the Minister yesterday that he expected the Colombian Minister to take up the San Andrés Archipelago question with him in the near future and that he was therefore anxious to learn whether the Department had any views to express. Is the Department now ready to make any suggestion to the Nicaraguan Government regarding this matter?

MUNRO

[65] *Foreign Relations*, 1925, vol. I, p. 431.

Annex 49

DIPLOMATIC NOTE FROM THE COLOMBIAN MINISTER IN MANAGUA TO THE NICARAGUAN FOREIGN MINISTER, 3 JANUARY 1929.

TRANSCRIBED IN THE RECORD OF SESSION XXIV OF THE CHAMBER OF THE SENATE OF THE NICARAGUAN CONGRESS, 21 JANUARY 1930.

(La Gaceta, *Diario Oficial*, No. 35, Managua, D.N., 11 February 1930, p. 273)

(…)
The approval of the Treaty of Limits between Nicaragua and Colombia of 24 December [sic] 1928 pending, I am pleased to transcribe to You, the note dated 3 January 1929, sent to this office by H.E. Mr. Minister of Colombia:

"I have the honor to communicate to Your Excellency that in conformity with the provisions of the Treaty of 24 March last year, concluded between the Government of Nicaragua and the Legation which I preside over, on the settlement of the controversy relating to the possession and sovereignty over the Mosquito Coast and the Archipelago of San Andrés and Providencia, Colombia's Executive Power submitted to the consideration of the Legislative Congress the said Pact, and this body gave its approval during its latest ordinary sessions. - I believe it to be pertinent to inform Your Excellency that the Cays of Roncador, Quitasueño and Serrana having been excluded from the Treaty of 24 March due to their being in dispute between Colombia and the United States, the Government of the latter, recognizing Colombia as owner and sovereign of the Archipelago, of which those cays are part, concluded with the Government of Colombia, last April, an agreement that put an end to the dispute, according to which the *status quo* on the matter is preserved, and consequently, the Government of Colombia will refrain from objecting to the maintenance by the Government of the United States of the services which it has established or may establish on said cays, to aid navigation, and the Government of the United States will refrain from objecting to the utilization by Colombian nationals of the waters appurtenant to the cays for purposes of fishing. - Since the said treaty has recently been submitted by the Nicaraguan Government to the evaluation of the Legislative Chambers, I allow myself to plead with Your Excellency, counting on your approval, that the present note be known to them".

Taken into consideration it was forwarded to the Foreign Affairs' Commission which is evaluating the Treaty on limits between Nicaragua and Colombia.

Annex 50

DIPLOMATIC NOTE FROM THE NICARAGUAN FOREIGN MINISTER TO THE COLOMBIAN MINISTER IN MANAGUA, 7 MAY 1930

(1930 Report to Congress by the Colombian Foreign Minister, Bogotá, Imprenta Nacional, 1930, pp. 223-225)

Republic of Nicaragua - National Palace - Managua, 7 May 1930

Mr. Minister [Esguerra]:

I am honored to refer to Your Excellency's note, number 107, of the 5th of this month, whereby you inform me that, having now fulfilled the mission that your enlightened Government had conferred upon you, you will be transferred to Guatemala, in the steamship sailing from Corinto on the 10th of the current month; that in leaving this country, after long years of residency here, you fulfill the duty to express your gratitude for the official and social consideration and deference that have been showered upon Your Excellency and the Legation's personnel in Nicaragua.

Your Excellency adds that the friendly solution that was given to the territorial differences between our two countries, by means of the Treaty of 24 March 1928, shall create a new link between them, and will make their relations of fraternal friendship firmer and more cordial. And you conclude by expressing your wish for the wellbeing and prosperity of Nicaragua to increase day by day, under the auspices of peace, of the work of the current Government and those that will succeed it, in order for the country to claim the place it is entitled to among the continent's nations.

In reply, I must express to Your Excellency, the lively sentiment with which the Nicaraguan Government and society view your distancing from this country, used, as they were, to the frequent and most agreeable demeanor of Your Excellency's distinguished personality, as well as that of the members of your dear and cultured family.

My Government is deeply satisfied, Mr. Minister, with the peaceful and equitable solution of our old territorial dispute with Colombia -largely due to Your Excellency's discreet and able actions - because it is convinced that this result will not only contribute to cementing the traditional friendship between our two countries, but because it is a further demonstration that in the current development of the international life of the Republics of the Americas, the definitive triumph of the peaceful mechanisms of the solution of conflicts is growing firmer, thus giving Pan-Americanism its greatest virtue, as the creator of a new conscience in the continent, on the basis of cordiality, solidarity and justice.

It is particularly pleasing to me to reciprocate, on behalf of the Nicaraguan Government and people, the wishes Your Excellency has deigned to express with regard to the well-being and prosperity of my fatherland; and in so doing, I am pleased to express the hope that the high level of progress achieved by Colombia, in the development of its institutions, its culture and its material riches, will continue to be vigorously propelled, with the same accuracy and patriotic love with which the Government presided by His Excellency Mr. Abadía Mendez and those before him have done so, by the new Administration that will begin shortly under the distinguished statesman who was recently entrusted with the high destinies of your country by the vote of the Colombians.

May Your Excellency accept, once again, the assurances of my highest consideration and my personal esteem.

Signed, J. IRÍAS.

Annex 51

DIPLOMATIC NOTE N° 6 FROM THE NICARAGUAN EMBASSY IN BOGOTÁ TO THE COLOMBIAN FOREIGN MINISTRY, 29 APRIL 1949, REQUESTING A FISHING EXPLORATION PERMIT IN WATERS ADJACENT TO SAN ANDRÉS AND PROVIDENCIA

(Archives of the Ministry of Foreign Affairs of Colombia)

Legation of Nicaragua

Bogota, 29 April 1949

No. 6

[stamped]
Ministry of Foreign Affairs
[illegible] 24 No. 673 Dept. CM
2nd Registration Officer
Bogota, 29 April 1949

Mr. Minister:

With instructions from my Government, I am honored to kindly request of Your Excellency's very enlightened one, that through the corresponding administrative body the company called "Pesca Nicaragüense" [Nicaraguan Fishing] be granted a limited provisional permit for the period deemed adequate in order for that company to be able to carry out exploratory fishing activities in waters adjacent to the Islands of San Andres and Providencia.

The permit would only be for the ship "M.V. Dusky", 55-foot long and 28 tons of sailing, mastered by Captain Winker, to be able to carry out the exploratory fishing referred to above, this being the reason due to which the type of fishing to be carried out is not specified.

If after the exploration takes place a special kind of fishing should be defined over which a determined intention existed, it would be made known with the due formalities.

The deference with which this request is considered will be greatly appreciated by my Government.

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

[signed]
Modesto Valle

H.E. Mr. Dr. Eduardo Zuleta Angel
Ministry of Foreign Affairs
Bogota

Annex 52

DIPLOMATIC NOTE N° CN-1768 FROM THE COLOMBIAN FOREIGN MINISTRY TO THE NICARAGUAN EMBASSY IN BOGOTÁ, 28 JUNE 1949

(Archives of the Ministry of Foreign Affairs of Colombia)

[Copy]
No. CN_1768

Bogota, 28 June 1949

Mr. Minister:

I am honored to refer to Your Excellency's kind note, numbered 6, whereby Your Excellency requested, on behalf of the Government of Nicaragua, a permit for the company called "Pesca Nicaragüense" [Nicaraguan Fishing] to be able to carry out exploratory fishing activities in waters adjacent to the Islands of San Andres and Providencia.

In replying to the referred-to note I regret to inform Your Excellency that the Colombian competent authorities, to which the request in question was transmitted, consider that for the time being, they find it somewhat difficult to grant that type of permits since the Industria Colombiana de Pesca Marítima S.A. [Colombian Industry of Maritime Fishing Inc.] has projected to carry out the same explorations shortly in the same waters.

I avail myself of the opportunity to reiterate to Your Excellency the assurances of my highest and most distinguished consideration.

For the Minister,

the Secretary-General

H.E. Mr.
Dr. Modesto Valle
Extraordinary Envoy and Plenipotentiary Minister
of Nicaragua
City
PRM/hga.

Annex 53

DIPLOMATIC NOTE FROM THE COLOMBIAN REPRESENTATIVE TO THE UNIVERSAL POSTAL UNION TO THE DIRECTOR-GENERAL OF THE UNIVERSAL POSTAL UNION, MONTREUX, 30 MAY 1950

(General Archives of Colombia)

On page three of the fascicle 'Nomenclature of countries, colonies, territories, etc., of the World', under the title 'Possessions of the United States of America', some islands of the Caribbean Sea are included. These islands are Colombian.

In that regard, I have requested instructions to my Government, but not having received them yet, I do not wish to leave Montreux without addressing this letter to you, in order for the note to be taken into account.

My Government will, in agreement with the United States of America, issue a notification in that respect.

Copy of this letter was sent to the Head of the United States Delegation.

Signed,
Roberto Arciniegas Schlessinger,
Representative of Colombia

Annex 54

DIPLOMATIC NOTE N° 092 FROM THE COLOMBIAN AMBASSADOR IN MANAGUA TO THE NICARAGUAN FOREIGN MINISTER, 4 JUNE 1969

(Archives of the Ministry of Foreign Affairs of Colombia)

No. 092

Managua, 4 June 1969

Mr. Minister:

The Government of Colombia has had knowledge that, among several Reconnaissance Permits and Concessions recently granted by Your Excellency's Enlightened Government to foreign companies to carry out necessary preliminary research, and oil and natural gases explorations, respectively, in "areas or zones of the continental shelf of Nicaragua", there are some such as the ones I hereinafter specify, based on the respective decrees, to wit:

(…)

I have been instructed by my Government to call your Excellency's attention to the fact that the first of the mentioned requested Concessions - section a) - for which area or zone called "QUITA SUEÑO" a Reconnaissance Permit has been granted, covers the entire extension of the shoal or cay of Quita Sueño and part of the waters surrounding it, with manifest forgetfulness of the fact that the Treaty of 24 March 1928, which defined the controversy between Colombia and Nicaragua regarding their respective island domains in the Caribbean, explicitly declared in its paragraph 1 of the 1st article that said contractual instrument did not include "the RONCADOR, QUITASUEÑO and SERRANA cays, since their domain was in litigation between Colombia and the United States of America."

Colombia considers that this simple observation shall be sufficient so that Your Excellency's Government proceeds to remedy the error or inadvertence that may have been incurred by exercising acts of domain or disposition over a good that is solemnly acknowledged as outside of Nicaraguan jurisdiction or sovereignty. In any case, my Government orders me to make a formal reservation before Your Excellency, of its rights over the referenced territory, as well as over the adjacent maritime zone and to manifest that it disavows, from this moment, the validity of any act among third parties that may damage or undermine said rights.

The concessions included in section b) BLOQUE No. 1 and BLOQUE No. 2, cover maritime zones that surpass Meridian 82 of Greenwich towards the East, noted in that same negotiation of 24 March 1928, by provision of the Congress of the Republic of Nicaragua in the Decree of Ratification of the Treaty, dated 6 March 1930, as the Western boundary of the Archipelago of San Andrés and Providencia.

Insofar as those concessions carry or may carry, for said reason, damage or undermining of the clear and indisputable Colombian rights over that zone, my Government makes them an object of the same reservation, trusting that the Government of Your Excellency shall find it appropriate and adequate to revoke them or reform them to the extent that they exceed the limit of Nicaraguan national jurisdiction and invade Colombian domain.

Having thus fulfilled the special task that I was given on this particular [subject], I am pleased to reiterate to Your Excellency assurances of my highest and most distinguished consideration.

LUIS ALFONSO ANGARITA
AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY
OF COLOMBIA

His Excellency Doctor
Lorenzo Guerrero
Minister of Foreign Affairs of Nicaragua
At Your Office

Annex 55

DIPLOMATIC NOTE N° DM-170 FROM THE COLOMBIAN FOREIGN MINISTER TO THE NICARAGUAN AMBASSADOR IN BOGOTÁ, 18 APRIL 1975.

(Archives of the Ministry of Foreign Affairs of Colombia)

DM-170

Bogota, 18 April 1975

Mr. Ambassador,

The Government of Colombia has been informed that the learned Government of Your Excellency has given concessions for the exploration and exploitation of hydrocarbons in certain areas adjacent to the Archipelago of San Andres and Providencia, located to the east of the 82 Meridian of Greenwich.

These concessions, granted this time to the firms Eastern Caribbean Petroleum Company, Occidental Petroleum Company, Occidental Petroleum Company and Union Oil Company of California, are in a location similar to that where previous concessions had been granted to the Mobil Exploration Corporation and Western Caribbean Petroleum Company, under the names of Mobil 1, Mobil 2, Bloque Miskito, Bloque 1 and Bloque 2. As Your Excellency's Government is well aware of, that situation gave rise to, among other, a note from this Ministry of 4 June 1969.

I must now once again make, in the most cordial manner, formal reservation on the rights of my country in that zone, which in no way can be affected by domestic provisions of the Nicaraguan Government, nor for eventual arrangements between the firms benefited from the concessions and other companies of the same kind, as it is the case of a negotiation between the consortium Signal Occidental with the Great Plains Development Company of Canada Limited., in the so-called "Bloque Miskito", which belongs to the area I am referring to.

Taking into account the ancient and friendly links existing between Colombia and Nicaragua, my Government wishes to express to that of Your Excellency this position, framed in the spirit of reciprocal consideration that governs the relations between our two nations.

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

(*signed*) INDALECIO LIEVANO AGUIRRE
Minister of Foreign Affairs

To His Excellency
Mr. REINALDO NAVAS BARRETO
Ambassador Extraordinary and Plenipotentiary of Nicaragua
Bogota

Annex 56

DIPLOMATIC NOTE N° F-229 FROM THE COLOMBIAN FOREIGN MINISTER TO THE NICARAGUAN AMBASSADOR IN BOGOTÁ, 21 AUGUST 1975

(Archives of the Ministry of Foreign Affairs of Colombia)

F. 229

Bogotá, 21 August 1975

Mr. Ambassador,

I have the honor to refer to Your Excellency´s Note No. 166 of the 6th of the current month, referring to a number of concessions for the exploration and exploitation of hydrocarbons in certain areas of the Caribbean Sea.

Without the intention to initiate an unnecessary discussion by letter, I feel bound to express to Your Excellency that the Government of Colombia regrets that it cannot share the view expressed in the note I am answering, to the effect that the concessions referred to in my Note No. DM-170 of 19 of April last, are located on the Nicaraguan continental shelf. On the contrary, it is the considered opinion of my Government that, according to the rules and principles of international law in force, these areas are under the sovereignty of Colombia.

I avail myself of this opportunity to reiterate to you the assurances of my highest consideration and esteem.

INDALECIO LIEVANO AGUIRRE
Minister of Foreign Affairs

To His Excellency
Mr. WILLIAM BARQUERO MONTIEL
Ambassador Extraordinary and Plenipotentiary
of Nicaragua
Bogotá

Annex 57

DIPLOMATIC NOTE N° DM-00156 FROM THE COLOMBIAN FOREIGN MINISTER TO THE NICARAGUAN AMBASSADOR IN BOGOTA, 28 MARCH 1977

(Archives of the Ministry of Foreign Affairs of Colombia)

DM - 00156 Bogotá, D.E., 28 March 1977

Mr. Ambassador,

The Government of Colombia has been informed that the learned Government of Your Excellency granted to the firm Occidental Petroleum Corporation a concession for the exploitation of hydrocarbons in an area adjacent to the Archipelago of San Andres, located at Latitude 14 43' 59" N. and Longitude 81 39' 50" W., to the east of the 82 meridian of Greenwich.

I am bound to express to Your Excellency the surprise of my Government for the occurrence of this situation, which in this occasion has been made more serious owing to the nature of the projected concession. In this regard, I reiterate to Your Excellency that any activities of exploration and exploitation analogous to those I am referring to, cannot in any manner be used as a basis for the invocation of alleged Nicaraguan rights over zones belonging to the maritime domain of Colombia.

Inspired by the best wishes to preserve harmony and close friendship between our two nations, my Government trusts that the learned Government of Nicaragua will refrain from carrying out activities of this kind in those areas and will suspend those already authorized or undertaken.

I remain, truly yours,

INDALECIO LIEVANO AGUIRRE
Minister of Foreign Affairs of Colombia

To His Excellency
Mr. WILLIAM BARQUERO MONTIEL
Ambassador of Nicaragua
Bogotá

Annex 58

DIPLOMATIC NOTE N° DM-00457 FROM THE COLOMBIAN FOREIGN MINISTER TO THE NICARAGUAN AMBASSADOR IN BOGOTÁ, 24 OCTOBER 1977

(Archives of the Ministry of Foreign Affairs of Colombia)

DM 00457

Bogotá, 24 October 1977

Mr. Ambassador,

The Government of Colombia has been informed that the learned Government of Your Excellency has granted to the firms "Occidental of Nicaragua Inc." and "Western Caribbean Petroleum Company" a concession for the exploration of petroleum in an area adjacent to the Archipelago of San Andrés located in the following manner:

"Starting at the Initial Point, Lat. 15 00' North and Long. 81 54' 00" West, following towards the East until Long. 81 30' 00" West, and then towards the South, until Lat. 14 59' 08" North and from this point towards the isobath forming the eastern limit of the Bloque Agua Azul. Following that isobath towards the South, until 14 59' 00" North, a line will be followed towards the East, until reaching 81 40' 00" which is the North-South divider, between Bloque 1 and Bloque Miskito and then towards the North, until Lat. 14 59' 08" North, from this point towards the West, until Long. 81 54' 00" West, and finally towards the North, until the Initial Point and Lat. 15 00' 00" North and Long 81 54' 00" West.

I must once again express to Your Excellency the pronounced surprise of my Government because such a measure has been adopted in areas belonging to my country's maritime sovereignty and jurisdiction. This surprise is bigger in this occasion due to the fact that in the concession I am referring to reference is made to the so-called "Bloque Agua Azul", "Bloque 1" and "Bloque Miskito", all of which, given that they are also located in maritime spaces of Colombia, were objected in a timely manner by means of Notes DM-170, DM-229 and DM-480 from this Ministry, throughout the year 1975.

In this regard, I must, once again, reiterate that the measures adopted by the learned Government of Your Excellency are no compatible with the harmony and cordial friendship that traditionally have governed the relationship between our two nations.

For these reasons, my Government trusts that the learned Government of Nicaragua will refrain from carrying out activities of any kind in those areas and would rescind those that could have been already authorized.

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

INDALECIO LIEVANO AGUIRRE
Minister of Foreign Affairs

To His Excellency
Mr. WILLIAM BARQUERO MONTIEL
Ambassador Extraordinary and Plenipotentiary
of Nicaragua in Colombia
Bogotá

Annex 59

DIPLOMATIC NOTE NO. DM- 00482 FROM THE COLOMBIAN FOREIGN MINISTER TO THE CHARGÉ D'AFFAIRES OF NICARAGUA IN BOGOTÁ, 15 NOVEMBER 1977

(Archives of the Ministry of Foreign Affairs of Colombia)

DM- 00482

Bogotá, 15 November 1977

Honorable Sir:

I must convey to Your Honor my Government's reservations due to the extension, for a term of three years, of a concession that had been grated by the Enlightened Government of Nicaragua to the company Oil of California, in the so-called "Bloque Unión V", over which I had already reserved my country's rights by note DM-170 of April, 1975.

Likewise, I must convey an identical reservation due to the exploration works carried out by the "Buttes" Company in the block called 'Montara 1' that, as in the case quoted above, comprises areas pertaining to the Archipelago of San Andrés and Providencia.

My Government is certain that activities such as those I have referred to, far from generating rights of any kind for Your Honor's Government, are counterproductive and unlike the traditional links existing between our two countries.

I avail myself of this opportunity to reiterate to Your Lordship the assurances of my highest consideration and appreciation.

INDALECIO LIÉVANO AGUIRRE
Minister of Foreign Affairs

The Honorable
Mr. OCTAVIO SANABRIA CENTENO
Chargé d'affaires a.i.
of Nicaragua
Bogotá.-

Annex 60

AIDE-MÉMOIRE FROM THE UNITED STATES EMBASSY IN MANAGUA TO THE GOVERNMENT OF RECONSTRUCTION OF NICARAGUA RECORDING THE HISTORY OF NEGOTIATIONS ON QUITASUEÑO, 16 JULY 1981

(Archives of the Ministry of Foreign Affairs of Colombia)

Documents on pages to follow

TEXT OF NOTE DELIVERED TO THE GOVERNMENT OF RECONSTRUCTION OF NICARAGUA RECORDING THE HISTORY OF NEGOTIATIONS ON QUITA SUEÑO

As The United States Government proceeds with its ratification of the Treaty signed in 1972 with Colombia concerning the Status of Quita Sueño, Roncador and Serrana, it may be useful to set out in some detail the record of United States Government actions regarding this Treaty. In particular, the United States wishes to describe its considerable efforts to satisfy the concerns of Nicaragua, unfounded in the view of the United States Government, that the Treaty might in some manner prejudice the Nicaraguan claim to these banks or cays. The United States regrets that the Treaty's lack of intent or effect to prejudice any Nicaraguan claim has not only been misunderstood, but frequently misrepresented. This review of the record is offered in the belief that it will contribute to the proper interpretation of the event of U.S. ratification of the Treaty and thus to improvement of bilateral relations.

History of the US claim and dealings with the Government of Colombia leading up to the 1971 Treaty.

The United States claim to sovereignty over Quita Sueño, Roncador, and Serrana dates from the latter part of the Nineteenth Century and is based on the Guano Islands Act of 1856 (48 U.S.C. 1411-1419). That act provides that whenever "any United States citizen discovers a deposit of guano on any island, rock or key, not within the lawful jurisdiction of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States." In 1889, an American citizen, James W. Jennett, filed a declaration of discovery of guano deposits on Quita Sueño, Roncador and Serrana. The islands were subsequently included in a list of Guano islands appertaining to the United States, published by the Treasury Department in 1871.

In December 1890, the Government of Colombia protested the removal of guano from the reefs, declaring that sovereign title descended to Colombia from Spain. The United States Government replied that it had authorized the removal of guano and refused to acquiesce in Colombia's claim to title to the reefs. In 1919, President Wilson issued two proclamations, reaffirming United States sovereignty over the areas, and reserving them for light-house purposes. On April 10, 1928, an Agreement was entered into between the United States and Colombia whereby without prejudice to either government's claim to sovereignty over the reefs, the "Status Quo" is maintained (Treaty series 760 1/2; 6 Bevans 904). In the 1928 Agreement Colombia recognizes the right of the United States to continue to maintain navigational aids to the reefs, and the United States recognizes the right of Colombia to fish without interruption in the adjacent waters.

Of the three original Guano islands in the group, only two, Roncador and Serrana, consist of cays which qualify as islands under international law. Quita Sueño bank is now totally submerged at high tide and, in the view of the Government of the United States, must be regarded as part of the high seas and thus beyond the U.S. legal position.

It should be emphasized that the basic U.S. interest since the early 1970's has been to withdraw the outstanding U.S. claim to the three cays, preserved in the 1928 Agreement between the U.S. and Colombia. At the same time, the U.S. has no interest in taking sides as between the other claimants to the cays. U.S. actions have been premised on these two principles. The United States Government has always assumed that it was to the advantage of Nicaragua, as well as Colombia, for it to proceed to withdraw its claim to the cays, and to enter into any agreement appropriate to this end.

The Treaty form of the proposed Agreement with Colombia arises from the dual need for a new Agreement to terminate the 1928 Agreement between the U.S. and Colombia and to secure legislative authority to turn over U.S. property on the cays and to renounce the U.S. claim. A Treaty with the advice and consent of the Senate becomes the "Law of the Land" under the U.S. Constitution and thus accomplishes both ends. Use of the Treaty device is well established by precedent as the appropriate form for U.S. renunciation of such territorial claims.

It is constitutionally not possible for the United States to give up such a claim by executive action alone. Removals of certain Guano islands from the U.S. Treasury list of bonded Guano islands in the Nineteenth Century, which have been cited by Nicaragua as a precedent for unilateral executive action, are inapposite; such delisting of Guano islands by action of the Treasury Department occurred in cases where the U.S. recognized that the islands in question fell within the lawful jurisdiction of another country, as supported by sufficient evidence. See, e.g., I Hackworth Digest of International Law, 504 FF. In such cases, the islands were never subject to a U.S. claim of sovereignty, having failed to meet the statutory criteria specified in 48 U.S.C. Sec. 1411 under which they might be deemed as appertaining to the United States.

It is important to recall that Nicaragua's claims to these banks or cays, under international law, must have its own independent basis. Its claim cannot in any event be affected by the entry into force of the Treaty between the U.S. and Colombia. The United States has not taken, and does not intend to take any position regarding the respective legal merits of the competing claims of Colombia and Nicaragua. The dispute is a matter for the two parties to settle and determine by pacific means, consistent with their obligations under the U.N. Charter, most logically before the International Court of Justice.

Despite the fact that the U.S.-Colombia Treaty could not in any event affect the validity of Nicaragua's claims, the U.S. has made extraordinary efforts to avoid any implication to the contrary.

First, the Treaty is carefully worded to deal with certain fisheries and other matters on the basis of Colombia's de facto presence and enforcement activities in the area. Colombian sovereignty is not recognized; in the related exchange of notes on respective legal positions of the two countries, the U.S. acknowledges, but does not confirm or endorse the validity of Colombia's claim to be the only legitimate holder to title to these banks or cays. Further, to meet Nicaraguan concerns even more directly, an unders-

tanding is to be added as an integral element of the Treaty to clarify that the Treaty may not be interpreted so as to prejudice the claims of third countries. In addition, as discussed more fully below, the United States Government has offered to exchange notes with the Government of Reconstruction of Nicaragua, in language similar to the above-mentioned treaty-related exchange of notes on respective legal positions, to reiterate that the U.S. acknowledges the existence of Nicaragua's competing claim, and takes no position in the dispute between Nicaragua and Colombia. This exchange of notes, under international law, would be of force and effect equivalent to the Treaty with Colombia. The distinction between a treaty with the concurrence of the Senate and an executive agreement resting on other legal authority is purely a matter of internal U.S. law and practice. As a matter of international law, U.S. legal commitments to other states, whether treaties or executive agreements under U.S. Law, are of equivalent legal effect and status. See Article 2 (1) (A) of the Vienna Convention of the Law of Treaties.

Moreover, with respect to the 1928 Treaty and Protocol between Nicaragua and Colombia settling certain territorial disputes between them, recently denounced by Nicaragua, the U.S., in the exchange of notes on respective legal positions related to the U.S.-Colombia Treaty, notes that the 1928 Treaty and Protocol between Nicaragua and Colombia did not apply to these banks or cays. That Treaty recognized that sovereignty over these cays was in dispute between Colombia and the United States. The U.S. acknowledges that as a consequence, Colombia considers that Nicaragua thereby implicity denied having any claim to these banks; the U.S. takes no position on this statement. The United States is not a party to this Treaty and had but a limited, encouraging role in its conclusion, notwithstanding certain recent assertions to the contrary by Nicaraguan officials (the record of U.S. diplomatic discussions with both sides is available for all to see in Foreign Relations of the United States for the years 1925, 1927 and 1928.) The U.S. therefore has not taken any position on its proper construction, which is a matter for the parties, or an international tribunal, to determine.

We believe that these measures should amply satisfy any concerns Nicaragua may have.

U.S. Efforts to satisfy Nicaraguan concerns.

The United States Government was unaware of any recent Nicaraguan claims to the cays before 1969, when Nicaragua asserted its claim against Colombia at approximately the time that informal discussions commenced between the U.S. and Colombia. The Government of Nicaragua did not communicate this claim directly to the United States Government until June of 1971. In a memorandum of June 23, 1971, Nicaragua asserted inter alia, a claim to its adjacent continental shelf and the banks there located, and requested that the United States Government keep in mind this claim in the course of its talks with Colombia. The U.S. replied that it would do so; we believe that the record demonstrates that this undertaking has been diligently carried out.

After the Treaty with Colombia was signed on September 8, 1972, the Nicaraguan Government delivered a note of protest. The U.S. reply in December of 1972 noted that the question of sovereign rights over the continental shelf is not dealt with in the Treaty; that the U.S. had taken no position that would prejudice Nicaragua's position in this regard under international law; and that any claim Nicaragua might have does not raise a dispute with the U.S. since the key purpose of the Treaty with Colombia is to extinguish the U.S. claim preserved in an earlier Agreement of 1928 with Colombia.

The Treaty was transmitted by the President to the Senate for its advice and consent pursuant to the constitutional processes of the U.S. on January 9, 1973.

The delay in U.S. ratification since that time is in large measure due to efforts to take Nicaraguan concerns into account. Aware of the Nicaraguan claim, members of the U.S. Senate Committee on Foreign Relations expressed concern that the Treaty not prejudice the claims of Nicaragua or any other third party. For some time, the committee advised the Department of State to maintain a U.S. claim for the purpose of seeking resolution of jurisdiction over the cays by litigation before the International Court of Justice. The issue was included in a 1974 Resolution regarding U.S. territorial disputes that the Senate recommended be submitted to the Court. The Department of State continued to question the wisdom of preserving the U.S. claim for this purpose, and maintained its support of the Treaty. The Committee held hearings in the Fall of 1975, but continued to defer action. Subsequently, in mid-1978, an exchange of letters between the President and the Chairman of the Senate Foreign Relations Committee produced an Agreement that clarifying language be added to the resolution of ratification of the Treaty which, inter alia, would make it absolutely express that nothing in the Treaty prejudices the claim of any other nation involved in the controversy.

Given the nature of any such addition as an integral part of the Treaty, extensive consultations were again required with the Government of Colombia, which ultimately agreed to the proposed understanding. On May 23, 1979, the Deputy Secretary of State transmitted to the Chairman of the Senate Foreign Relations Committee the text of a proposed formal understanding of the Treaty. The understanding makes explicit the view of the parties to the Treaty that "the provisions of the Treaty do not confer rights or impose obligations upon, or prejudice the claims of, third states."

Hearings were again held on the Treaty on December 4, 1979. The Committee voted to report the Treaty to the full Senate subject to receiving from the Department of State written confirmation that the proposed understanding would be legally binding on both parties to the Treaty. This was subsequently provided. In conection with the December hearings, the United States Government initiated discussions with the new Government of Reconstruction of Nicaragua regarding the Treaty. The United States Government reiterated that the Treaty would remove the U.S. claims and, as underlined by the understanding, in no way would prejudice any rights or claims Nicaragua may have. These discussions led to a U.S. proposal under which ratification of the treat would proceed, but the Government of Reconstruction of Nicaragua and the United States Government would enter into an exchange of notes

independent of the Treaty to record the respective U.S. and Government of Reconstruction of Nicaragua positions. The draft U.S. note to the Government of Reconstruction of Nicaragua stated the U.S. intent to terminate its claim as against all other claimants, including Nicaragua, and explained that the Treaty was necessary in the case of Colombia to terminate the existing 1928 Bi-lateral U.S.-Colombian Agreement which formally records the U.S. claim. The draft U.S. note also describes the measures taken to ensure that Nicaragua's legal position would not be prejudiced by the Treaty, and provided formal United States Government assurances to that effect. The Government of Reconstruction of Nicaragua was to have responded under this proposal with a note expressing its understanding that the U.S.-Colombia Treaty would not prejudice the Government of Reconstruction of Nicaragua's legal position, and restating its position on its sovereignty over the cays. While the U.$. was awaiting Government of Reconstruction of Nicaragua's comments on this proposal the Government of Reconstruction of Nicaragua issued publicly a note attacking the 1972 Treaty as a "hostile act." (Only subsequently was the note delivered through diplomatic channels.)

Despite this abrupt rejection of a negotiated solution, the U.S. continued to defer action on the Treaty in the hope that a mutually satisfactory understanding could be reached with the Government of Reconstruction of Nicaragua. Thus, with the end of 1980 came another U.S. effort to satisfy Government of Reconstruction of Nicaragua concerns. After discussions with the Government of Reconstruction of Nicaragua, the U.S. proposed, on January 30, 1981, a draft exchange of notes modelled on the U.S-Colombia Treaty's note exchange regarding the legal positions of the two sides.

Mirroring that text, the proposed U.S. note would have acknowledged the position of the Government of Reconstruction of Nicaragua that with the withdrawal of the U.S. claim, Nicaragua "will be the only legitimate title holder on these banks and cays." Further, the U.S. would have reemphasized its lack of position regarding the claims of other countries to these cays and reaffirmed that it has taken and will take no action designed to prejudice the claims of the Government of Nicaragua. A U.S. expert travelled to Managua to explain the U.S. proposal in detail and to receive the Government of Reconstruction of Nicaragua's comments and suggestions. The Department of State has also provided many examples of important U.S. agreements concluded by a similar exchange of notes.

On February 4, 1981, the Government of Reconstruction of Nicaragua replied to the U.S. proposal by restating its opposition to the U.S.-Colombia Treaty, on the ground that in the Government of Reconstruction of Nicaragua's view the Treaty constituted U.S. acceptance of Colombian sovereignty over the cays. The note pointed in particular to the Treaty arrangements regarding fisheries and conveyance to Colombia of navigational aids on the cays as acts "which could only take place on the basis of United States recognition of Colombian sovereignty over these territories." The Government of Reconstruction of Nicaragua proposed that the U.S. simply unilaterally renounce its claim before all the world, and proceed to terminate the 1928 U.S.-Colombia bilateral without concluding a new agreement with Colombia on any subject relating to the cays.

The U.S. responded orally in mid-March, regretting that the Government of Reconstruction of Nicaragua had chosen to respond in such a formal fashion to the informal process of consultations we had initiated to seek a solution. The U.S. reply noted that under Article IV, Section 3, Clause 2 of the U.S. Constitution, the Executive Branch of Government can dispose of property interests of the United States Government (in this case withdrawal of the U.S. claim as well as disposal of the navigational aids) only pursuant to a law passed by both Houses of the Congress or a Treaty with the advice and consent of two thirds of the Senate. The U.S. had chosen the Treaty approach for the reasons indicated previously in this note, and was now practically constrained to proceed with it. Beyond the understanding, the U.S. had offered to further meet the Government of Reconstruction of Nicaragua's concerns by exchanging notes in language identical to the 1972 Treaty and related notes, in a form with international legal effect equivalent to that of the 1972 Treaty.

Moreover, the U.S. noted that the arrangements regarding fisheries and navigational aids were drafted in practical terms that in no way recognized Colombian sovereignty over the cays. It is common practice for the United States Government and other states to deal with authorities in de facto control of an area, notwithstanding formal legal positions regarding such presence. It is on the basis of Colombia's incontestable de facto presence and enforcement activities in the area, over a long period of time, that the United States Government concluded that it was prudent to provide for continuing U.S. fisheries access in the Treaty and efficacious to turn over the navigational aids to a party clearly in a practical positon to maintain them. The United States Government noted its understanding that the civil law system is well familiar with the concept of distinguishing title to improvements from title to the underlying land; even less could title to improvements such as the navigational aids be a determinant of sovereignty. Moreover, the U.S. reply stated that the navigational aids on the cays have now been abandoned by the United States Government as obsolete, and noted that this particular issue had thus been completly overtaken by events. The U.S. also recalled its position that Quita Sueño is not subject to the exercise of sovereignty under international law since it is submerged at high tide. The United States Government reiterated that the Treaty and the understanding make clear that these practical arrangements do not constitute a position on the competing claims to the cays.

Since that time, diplomatic contacts have continued in Managua and Washington to seek a basis for an understanding on this matter between our two countries. The offer of an agreement along the lines suggested by the U.S. has remained, and will continue to remain, open. The Government of Reconstruction of Nicaragua has failed to offer any concrete alternatives which do not entail either withdrawal or indefinite delay of the Treaty.

The most recent effort, by Ambassador Cruz in a letter addressed to the Chairman of the Senate Foreign Relations Committee dated July 14, proposes an alternative understanding to the Treaty that would state that the Treaty provisions "do not alter" the fact that the status of the cays is in dispute between Nicaragua and Colombia, and do not prejudice the claims of either; that the Treaty provisions do not "exempt" Colombia or Nicaragua from their obligation to resolve the dispute in accordance with the U.N. Charter and the Charter of the OAS; and that no provision of the Treaty or its related notes

would be "implemented" prior to "final resolution" of the dispute consistent with these international legal obligations. It is submitted that the former two points are indeed already covered by the present understanding to accompany U.S. ratification. The final point of this alternative would simply defer entry into force of the Treaty, and thus renunciation of the U.S. claim to the cays, indefinitely pending settlement or adjudication of the dispute.

After a delay in treaty ratification of almost a decade, in large measure due to the United States Government's efforts to accommodate Nicaraguan concerns, it is difficult to see how any further delay in ratifying the Treaty, and thus relinquishing the complicating factor of the U.S. claim, can be justified. No support for further delay can be found in the record of extensive but unsuccessful U.S. efforts in good faith to respond to Nicaraguan objections. The Treaty, obviously an important factor in U.S.-Colombian relations as well, remains for the U.S. a practical and legal requirement. The U.S Senate Foreign Relations Committee, in unanimously reporting the Treaty to the full Senate on July 14, and having shown the utmost regard for Nicaragua's concerns over the years, shares this conclusion.

The extended delay in ratification, the negotiation of the understanding, restated U.S. assurances, and the offers to the Government of Reconstruction of Nicaragua to conclude a bilateral agreement that would create a formal equivalence in U.S. dealing with both claimants to the cays, all attest to US understanding of the Nicaraguan viewpoint and the extensive efforts that have been made to meet it. We understand that the Government of Reconstruction of Nicaragua's own legal experts acknowledge both that the Treaty under international law cannot have the effect of prejudicing the Nicaraguan claim, and that the U.S.-proposed exchange of notes would result in a bilateral agreement of equivalent legal status and effect to the Treaty.

The U.S. thus regrets that its proposals have not found acceptance, and that the Government of Reconstruction of Nicaragua has not offered realistic, concrete alternatives. The U.S. trusts that ratification of the Treaty on terms that clearly do not prejudice Nicaragua's position, in the evident absence of any possibility of bilateral agreement on the problem, may at least put behind us a matter which, in the U.S. view, has unnecessarily troubled our relations. The U.S. remains prepared to pursue the possibility of a bilateral agreement along the lines previously suggested. Moreover, as reflected in the understanding, the U.S. will use every appropriate occasion to encourage both Colombia and Nicaragua, consistent with their obligations under international law, to seek means to peacefully settle or adjudicate their respective claims, including possible recourse to the International Court of Justice.

The U.S. is anxious that all parties considering this matter have the record before them, and that any criticism be based on an understanding both of the strenuous U.S. efforts to date to meet the Government of Reconstruction of Nicaragua's concerns and of the U.S. legal position regarding the Treaty.

* *

Annex 61

DIPLOMATIC NOTE N° 23 FROM THE FRENCH EMBASSY IN BOGOTÁ TO THE COLOMBIAN FOREIGN MINISTRY, 26 JANUARY 1982

(Archives of the Ministry of Foreign Affairs of Colombia)

Embassy of France in Colombia

Bogotá, 26 January 1982

No. 23

The Embassy of France presents its compliments to the Ministry of Foreign Affairs and has the honor of conveying the following:

The French Petroleum Institute intends to carry out, during the month of March 1982, a marine geophysical survey along the southwest of Jamaica in the vessel "Resolution".

The purpose of this research is to complete the current information on the structure and geological history of the main sedimentary basins of this region, within the framework of a geological synthesis of the Greater Antilles.

Since the perimeter of the foreseen research extends to a distance of 26 miles from the Island of Bajo Nuevo located under Colombian sovereignty, the Embassy of France has the honor to request the authorization of the competent Colombian authorities to the effect that the French Petroleum Institute may carry out its projected studies in the aforementioned zone.

The Embassy of France would appreciate the Ministry of Foreign Affairs advising it as to the course followed with regard to this request and avails itself of the opportunity to manifest the assurances of its highest consideration.

[stamp reads: Embassy of France in Colombia]
[Initialed, illegible]

Ministry of Foreign Affairs
Legal Affairs Division
Bogotá

Annex 62

DIPLOMATIC NOTE N° SG. 00222 FROM THE COLOMBIAN FOREIGN MINISTRY TO THE FRENCH EMBASSY IN BOGOTÁ, 16 FEBRUARY 1982

(Archives of the Ministry of Foreign Affairs of Colombia)

SG. 00222

The Ministry of Foreign Affairs presents its compliments to the Honorable Embassy of France, with reference to its Note number 23 of 26 January of the current year.

In this regard, it is pleasant to inform that Honorable Mission, that the Maritime and Ports Directorship-General has addressed this Ministry granting its consent to the request of the French Government for the French Petroleum Institute to carry out a marine geophysical survey in the vessel "Resolution", 26 miles off the Island of Bajo Nuevo, in Colombian Jurisdiction, provided the following requirements are fulfilled:

- Information as to the characteristics of the vessel.
- Type of exploration, equipment, list of crewmembers and scientists.
- Start date, duration, etc. to issue notice to sailors.
- Opinion of the Ministry of Mines and Energy and Inderena [National Institute of Natural Resources] (Article 104 of Decree 2349/71).
- Letter of intent to deliver the results of the study of the Republic of Colombia and, if possible, participation of the acquired samples.
- Specific information on the methodology and specialized equipment to be used in sample gathering.
- Provide sleeping and other facilities for an inspector designated by DIMAR by resolution, during the time of the sample gathering in Colombian waters.
- Involvement of scientific personnel in the development of the survey in Colombian waters.

The Ministry of Foreign Affairs avails itself of the opportunity to reiterate to the Honorable Embassy of France, the assurances of its highest and most distinguished consideration.

Bogotá, 16 February 1982.

Annex 63

NOTES FROM THE JAMAICAN DIRECTOR OF FISHERIES TO THE COLOMBIAN CONSUL GENERAL IN KINGSTON PURSUANT TO THE 1981 FISHING AGREEMENT

(Archives of the Ministry of Foreign Affairs of Colombia)

Documents on pages to follow

MINISTRY OF AGRICULTURE
FISHERIES DIVISION,
P.O. BOX 470,
KINGSTON,
JAMAICA

PLEASE QUOTE
REFERENCE No.

3rd March 19 84

The Consul General
Embassy of Colombia
KINGSTON

Dear Sir:

Please find enclosed two (2) photographs each of fishermen and members of the crew of the Captain B as listed below who are requesting licences to be based on and to fish within the Serranila Cay Zone. The photographs are with respect to the following fishermen:

Wilby McLeod
Naman Shaw
Calvin Ebanks
Alan Martin
Alexander Williams
Basil Stamp
Allan White
Crawford Trevor
Allan Moxam
Alvin George Harriott
Paul Braithwaite
Reuben Sanderson
Willie Gordon
Herbert Moxam
Eraldo White
Winston Moxam

and the following crew:

Harding Davis
Herbert Alleyne
Claudius Charles
Milford Clarke
Roy Fitzerald
James Heath
Whitfield Eli
Joshua Waldo
Kenneth Willis

E. A. Royer

MINISTRY OF AGRICULTURE
FISHERIES DIVISION,
P.O. BOX 470,
KINGSTON,
JAMAICA

PLEASE QUOTE
REFERENCE No. 48/8

30th March 1984

The Consul General
Embassy of Colombia
KINGSTON.

Dear Sir,

Allow me to extend to you a warm welcome to Jamaica together with the wish that your tour of duty here will prove to be both rewarding and enjoyable.

In keeping with the request made when you so kindly received me at your office yesterday, 29th March 1984, I list below the names of the owners of the following fishing vessels, who had applied for those vessels to operate in Colombian waters under the terms of the Colombia/Jamaica fishery agreement:

1. Polaris, Owner, Wilcobril, (Mr. Derrick Mills, Manager)

2. Captain 'B', Owner, Quality Fish Co. Ltd. (Roy Fairclough Manager)

3. Dolphin, Blackfin, Owner, Fisheries Division, Ministry of Agriculture

4. Leda, Adel, Owner, Albert Porter

5. Gabriela, Owner, Jamaica Cooperative Union Ltd., (Mrs. V. Foster, Manager)

I regret that I am unable to furnish you with the names of the Ora Pisces at this time as I understand that the vessel has changed hands since it was inspected and I have been unable to contact the new owners.

Yours sincerely

E.A. Royer
Director of Fisheries.

APR. 25 1984

MINISTRY OF AGRICULTURE
FISHERIES DIVISION,
P.O. BOX 470,
KINGSTON,
JAMAICA

PLEASE QUOTE
REFERENCE No._____

24th April, 19 84

The Consul General
Embassy of Colombia
NEW KINGSTON.

Dear Sir:

Please find enclosed two (2) photographs of each member of the crew of the fishing vessel Polaris as listed below who are requesting licences to fish within the Bajo Neuvo Cay Zone:

Leroy Johnson

Alpheus Murray

Lloyd Barrett

Claude Monroe

Joseph Thompson

Deryck Mills

Yours faithfully

E. A. Royer
Director of Fisheries.

MINISTRY OF AGRICULTURE
FISHERIES DIVISION,
P.O. BOX 470,
KINGSTON,
JAMAICA

PLEASE QUOTE
REFERENCE No._____

17th August 19 84

Consul General
Embassy of Colombia
53 Knutsford Boulevard
KINGSTON 5

Attention: Dr. Orlono

Dear Sir,

Please find attached the general Statistical Information to be provided under Article VI of the Fishing Agreement between Jamaica and the Republic of Colombia for three (3) months period ending the 31st July, 1984.

E. Royer

E.A. Royer
Director of Fisheries.

Annex 64

NOTES FROM THE JAMAICAN DIRECTOR OF FISHERIES TO THE COLOMBIAN CONSUL GENERAL IN KINGSTON PURSUANT TO THE 1984 FISHING AGREEMENT

(Archives of the Ministry of Foreign Affairs of Colombia)

Documents on pages to follow

MINISTRY OF AGRICULTURE
HOPE GARDENS,
KINGSTON 6,
JAMAICA

PLEASE QUOTE
REFERENCE No.

27th November 19 84

Consul General
Embassy of Colombia
53 Knutsford Boulevard
KINGSTON 5.

Attention: Dr. Orlano

Dear Sir:

Please find attached the general Statistical Information to be provided under Article VI of the Fishing Agreement between Jamaica and the Republic of Colombia for three (3) months period ending the 31st October, 1984.

E.A. Royer
Director of Fisheries.

MINISTRY OF AGRICULTURE
FISHERIES DIVISION,
P.O. BOX 470,
KINGSTON,
JAMAICA

PLEASE QUOTE
REFERENCE No. 48/8 II

4 January, 19 85

Consul General
Embassy of Colombia
New Kingston
KINGSTON 5

Attention: Dr Orlano

I would refer to my letter No 48/8 of the 29th August, 1984 a copy of which is attached for ease of reference regarding the inspection of the vessel High Isle to determine its suitability for use as a transport vessel to service fishermen on the Serranilla Cays so that the number of transport vessels would be brought up to three (3) in order to ensure an adequate level of servicing for those fishermen as well as the views of the Government of the Republic of Colombia.

With respect to the vessel Lady Jackson which has already been inspected being regarded as a stand-by vessel in case any of the vessels in operation under the agreement becomes unserviceable or any in need of repairs over an extended period of time, I should be very grateful if you would advise me of any response that you might have had with respect to the questions raised above.

E. Royer

E A Royer
Director of Fisheries.

2 1st January 85

Consul General
Embassy of Colombia
New Kingston
KINGSTON 6

Attention: Dr Orlano

Dear Sir:

With reference to the discussions between yourself, Mr E Royer and Mr F Vieira, I am requesting that arrangements be made for the vessel M/V Geronimo to be inspected to determine its suitability for use as a transport vessel to service fishermen on the Seranilla Cays.

I should inform you that Mr F Vieira, the owner of the vessel has expressed his willingness to take the vessel down to San Andres to have it inspected there if such an arrangement would be more convenient to you.

Yours faithfully

Milton Haughton

M Haughton
for Acting Director of Fisheries.

c.c. Permanent Secretary
Ministry of Foreign Affairs

attention: Mr. Thompson

Permanent Secretary
Ministry of Agriculture

attention: Mr K Smith

MINISTRY OF AGRICULTURE
FISHERIES DIVISION,
P.O. BOX 470,
KINGSTON,
JAMAICA

PLEASE QUOTE
REFERENCE NO.

13th February 19 86

Consul General
Embassy of Colombia
53 Knutsford Boulevard
KINGSTON 5.

Attention: Dr. Orlano

Dear Sir:

The vessel Captain B owned by Quality Fish Company Ltd. proposes to depart for Seranilla Cays on February 14, 1986. I should be very grateful if you would give the necessary clearance.

The crew of the vessel is as follows:

Claudius Charles	-	Captain
Herbert Alleyne	-	Sailor
James heath	-	"
Kenneth Willis	-	"
Milford Clarke	-	"
Harding Davis	-	"
Joshua Waldo	-	"
Withfield Eli	-	"
John Groves	-	"

Yours sincerely

E.A. Royer
Director of Fisheries.

MINISTRY OF AGRICULTURE
FISHERIES DIVISION,
P.O. BOX 470,
KINGSTON,
JAMAICA

PLEASE QUOTE
REFERENCE NO.

5th August 1986

Consul General
Embassy of Colombia
53 Knutsford Boulevard
KINGSTON 5.

Attention: Dr. Orlano

Dear Sir:

Please find attached the General Statitical Information to be provided under Article VI of the fishing agreement between Jamaica and the Republic of Colombia. This Information will cover the period October to December 1985 and from January to June 1986. It should be noted that the Information for the period April to September 1985 are already in your possession.

The delay is regretted.

E.A. Royer
for Director of Fisheries.

Annex 65

DIPLOMATIC NOTE N° 340 FROM THE UNITED STATES EMBASSY IN BOGOTÁ TO THE COLOMBIAN FOREIGN MINISTRY, 25 APRIL 1994

(Archives of the Ministry of Foreign Affairs of Colombia)

Document on page to follow

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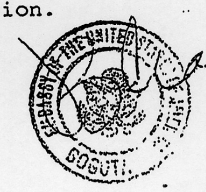
ST

No. 340

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of Colombia and has the honor to request a copy of the Map of Limits of the Vasquez-Saccio Treaty Waters of 1972, and also copy of the text of the exchange of notes of December 6, 1983.

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



Embassy of the United States of America

Santa Fe de Bogota, D. C., April 25, 1994

Annex 66

DIPLOMATIC NOTE N° ST./757 FROM THE COLOMBIAN FOREIGN MINISTRY TO THE UNITED STATES EMBASSY IN BOGOTÁ FURNISHING A COPY OF THE MAP ATTACHED TO THE 1983 AGREEMENT, 1994

(Archives of the Ministry of Foreign Affairs of Colombia)

ST. / 757

The Ministry of Foreign Affairs presents its compliments to the Honorable Embassy of the United States of America, on the occasion to refer to its note No. 340 of 25 April 1994, with regard to certain documents of the 1972 Vázquez-Saccio Treaty.

In that regard, the Ministry of Foreign Affairs is pleased to submit to that Enlightened Mission, copy of the note Nº DM-01763 of 6 December 1983 and the map of the area of Roncador, Serrana and Quitasueño.

The Ministry of Foreign Affairs avails itself of the opportunity to reiterate to the Honorable Embassy of the United States of America, the assurances of its highest and most distinguished consideration.

Santafé de Bogotá, D.C.,

To the Honorable
Embassy of the United
States of America
The city.

Annex 67

DIPLOMATIC NOTE Nº DM. 172-96 FROM THE COSTA RICAN FOREIGN MINISTER TO THE COLOMBIAN FOREIGN MINISTER, 14 MAY 1996

(Archives of the Ministry of Foreign Affairs of Colombia)

(The Minister of Foreign Affairs and Religious Observance)

DM - 172-96

San José, 14th May 1996

Your Excellency:

I have the honor to address Your Excellency on the occasion of acknowledging receipt and referring to the note numbered DM-00037 that you addressed to me on 11th April last, by means of which you let me know the position of the Illustrious Government of Colombia with regard to the Treaty on the Delimitation of Marine and Submarine Waters signed on the 17th of March 1977 by both countries.

With regard to the content of the said note, first I must express to Your Excellency that the Government of Costa Rica took note that for the Illustrious Government of Colombia there is no dispute whatsoever with the Republic of Nicaragua regarding the sovereignty, possession and control that the former exercises over the entire Archipelago of San Andres and Providencia.

Conversely, in second place, I inform Your Excellency that in the Government of Costa Rica's view, in full harmony with international norms as embodied in the Vienna Convention on the Law of Treaties, the Treaty on Maritime Delimitation between Colombia and Costa Rica has been complied with, is being complied with and will continue to be complied with, as a show of good faith of the Parties. The terms of that Treaty are clear, unequivocal and the absence of incidents or difficulties between both countries in this matter evidences the beneficial character of that legal instrument.

Finally, I take the liberty of confirming to Your Excellency that the said Treaty is, currently, being submitted to the process of approval by the Legislative Assembly, in accordance with the provisions of the political Constitution of Costa Rica.

I avail myself of the opportunity to reiterate to Your Excellency the assurances of my highest and most distinguished esteem.

(Signed)
FERNANDO E. NARANJO V.

To His Excellency
Camilo Reyes Rodríguez
Minister of Foreign Affairs a.i.
Santa Fe de Bogota, Colombia

Annex 68

DIPLOMATIC NOTE N° ST 29040 FROM THE COLOMBIAN FOREIGN MINISTRY TO THE UNITED STATES EMBASSY IN BOGOTÁ, 6 AUGUST 1996

(Archives of the Ministry of Foreign Affairs of Colombia)

REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN AFFAIRS

[Received stamp reads: AMERICAN EMBASSY
BOGOTA - COLOMBIA]

06 Aug 1996

ST 29040

The Ministry of Foreign Affairs kindly addresses the Embassy of the United States of America and refers to the recent conversations between representatives of our governments, in development of what's established in Articles 2 and 3 of the "Treaty between the Government of the Republic of Colombia and the Government of the United States of America, relative to the situation of Quitasueño, Roncador and Serrana" of 1972 and the Third Meeting of Consultations between Colombia and the United States, which was celebrated in Cartagena, on the 17 and 18 of May 1994, with the aim of verifying the compliance with the Colombian rules of conservation applicable to the fishing activities of American vessels in the space of the aforementioned treaty, and only for its effects, in accordance with what was established in the Exchange of Notes of 08 September 1972. The Ministry allows itself to present the understandings of both governments as follows:

1 - The Government of the United States of America authorizes the officers of the vessels of the National Navy and the Coastguard Corps of the Government of the Republic of Colombia, to aboard and inspect vessels with flag of the United States of America that undertake fishing operations in waters of the area of the Treaty, as is described in its Articles 2 and 3, with the object of verifying the compliance with the rules of conservation set forth by the Government of the Republic of Colombia and according to what was agreed with the government of the United States of America in relation to the terms of the Treaty.

2 - The Government of the Republic of Colombia will make sure that the officers of the vessels of the National Navy and the Coastguard Corps perform the said boarding, inspection and verification with the minimum interference to the fishing vessel.

3 - If it is found out that a vessel with United States flag is carrying out fishing operations in waters of the area of the Treaty, that do not comply with the rules of conservation set forth by the Government of the Republic of Colombia according to the terms of the Treaty, the officers of the vessels of the National Navy and the Coastguard Corps shall register the violation as it corresponds and shall provide such information to the United State's officials in charge of Law enforcement, so that they can be used in the investigation and trial of any violations if there was merit for it.

4 - The Government of the Republic of Colombia shall make sure that the officers of the vessels of the National Navy and the Coastguard Corps, in the activity of verifying the compliance with Colombian fishing rules on conservation, shall neither stop nor seize the vessels of United States flag nor their crew.

5 - The vessels of the United States of America, which are found to be violating the Colombian fishing rules on conservation established according to the terms of the Treaty, shall be asked to cease their fishing operations and to abandon the waters of the area of the Treaty until the matter is solved by the United State's officials charged with law enforcement.

6 - This agreement can only be modified by mutual consent, in writing, of both governments.

The Ministry of Foreign Affairs has the honor to propose that this note and the favorable note of response of the Embassy constitute an agreement, which shall enter into force in the date of the response note.

The Ministry of Foreign Affairs of Colombia avails itself of the opportunity to express to the Embassy of the United States of America, its highest esteem.

Santafé de Bogota, 05 August 1996

Annex 69

NOTE Nº DVM 103 FROM THE COSTA RICAN FOREIGN VICE-MINISTER TO THE COLOMBIAN AMBASSADOR IN COSTA RICA, 23 MARCH 1997

(Archives of the Ministry of Foreign Affairs of Colombia)

The Vice-Minister of Foreign Affairs and Religious Observance

DVM. No. 103 San José, 23 March 1997

Your Excellency
Jorge Michelsen
Colombian Ambassador in Costa Rica

Your Excellency Mr. Ambassador:

I have the honor to address Your Excellency in reference to the article of Freddy Pacheco published last week in the journal La Prensa Libre.

I was surprised to read this article that completely distorts the position of the Government of Costa Rica with respect to the Treaties on Maritime Limits between the Republic of Costa Rica and the Republic of Colombia, signed in 1977 and in 1984, and that erroneously states that Costa Rica has decided not to ratify these instruments.

In this regard, my Government reiterates what has been already stated in previous notes with respect to our interest in having those treaties ratified by our Legislative Assembly, both of them being in its agenda. The Government of Costa Rica, in accordance with the Law of Treaties, shall continue to comply with what was agreed without acting against it.

I avail myself of the opportunity to reiterate to Your Excellency the assurances of my highest and most distinguished esteem.

(Signed)
Rodrigo X. Carreras J.
Vice-Minister

COLOMBIAN OFFICIAL DOCUMENTS

Annex 70

COLOMBIAN LAW OF 8 OCTOBER 1821, ON THE ORGANIZATION AND POLITICAL REGIME OF THE DEPARTMENTS, PROVINCES AND CANTONS IN WHICH THE REPUBLIC IS DIVIDED.

(Cuerpo de Leyes de la República de Colombia, Tomo I, Londres, Imprenta Española de M. Calero, 1825, pp. 142-153)

LAW
On the organization and political regime of the departments, provinces and cantons in which the Republic is divided.

The General Congress of Colombia

Considering

That a law is required in order to arrange for the political and economical rule of the different sections in which the Republic is divided, according to the provisions of Title 7 of the Constitution;

Has decreed as follows:

TITLE I

About the Departaments [States/provinces].

Art. 1. In accordance with the provisions of the Constitution, the territory of the Republic is divided, for the time being, in seven departments, as follows:

1. That of ORINOCO, under this name, comprising the provinces of Guayana, Cumaná, Barcelona and Margarita.
2. That of VENEZUELA, comprising the provinces of Caracas and Barinas.
3. That of SULIA, comprising the provinces of Coro, Trujillo, Mérida and Maracaibo.
4. That of BOYACÁ, comprising the provinces of Tunja, Socorro, Pamplona and Casanare.
5. That of CUNDINAMARCA, comprising the provinces of Bogotá, Antioquia, Mariquita and Neiba.
6. That of CAUCA, comprising the province of Popayán and that of Chocó, the latter including Nóvita and Citará.

7. That of MAGDALENA, comprising the provinces of Cartagena with its adjacent islands, Santamarta and Riohacha.

Art.2. The residence of the intendentes will be:

1. In the department of Orinoco, the city of Cumaná, and for as long as it is occupied by the enemy, the place that the government chooses.
2. In that of Venezuela, the city of Caracas.
3. In that of Sulia, the city of Maracaibo.
4. In that of Boyacá, the city of Tunja.
5. In that of Cundinamarca, the city of Bogotá.
6. In that of Cauca, the city of Popayán.
7. In that of Magdalena, the city of Cartagena, and as long as it is under control by the enemy, the city of Santamarta.

Art.3. The other parts of the territory of Colombia which are free, or which will be incorporated later to the Republic, will provisionally attach to the nearest department. Considering its extension and circumstances, the executive branch can form a new department, under the same principles established by the Constitution and by the present Law. The said principles, along with the other laws of the Republic, will be put in effect in those places and the Congress will be informed at its next meeting, in order that it makes the definitive arrangements.

TITLE II
About the Intendentes

(…)

TITLE III
About the Governors

(…)

TITLE IV
About the Political Judges

(…)

TITLE V
About the councils and mayors of towns

(…)

To be communicated to the executive branch for its implementation.

Given at the Palace of the General Congress at the Villa del Rosario de Cúcuta on 8 October 1821, Year Eleven of the Independence

The President of Congress
Jose Ignacio de Marques

The Deputy-Secretary
Francisco Soto

The Deputy-Secretary
Miguel Santamaria

Palace of Government at el Rosario de Cúcuta, 8 October 1821

To be obeyed, published and circulated.

BOLIVAR
By H.E. the Liberator President

The Minister of the interior
D.B. Urbaneja

Annex 71

DIVISION OF THE PROVINCE OF CARTAGENA IN SIX CANTONS. PROVISION OF 16 MARCH 1822 ISSUED BY GENERAL MARIANO MONTILLA, GOVERNOR

(Archives of the Ministry of Foreign Affairs of Colombia)

FIRST CANTON OF THE CAPITAL
(…)

Twenty-four towns, two Councils and 39,000 souls, which correspond to ten Electors.

SECOND CANTON OF BARRANQUILLA
(…)

Twenty-three towns, two Councils and 37,210 souls, which correspond to nine Electors.

THIRD CANTON OF COROZAL
(…)

Twenty-six towns, three Councils and 34,024 souls, which correspond to eight Electors.

FOURTH CANTON OF CHINU
(…)

Thirty-four towns, four Councils and 38,135 souls, which correspond to nine Electors.

FIFTH CANTON OF MOMPOX
(…)

Twenty-two towns, three Councils and 31,217 souls, which correspond to eight Electors.

SIXTH CANTON OF SAN ANDRÉS

Integrated by the five islands named San Andrés, Santa Catalina, Vieja Providencia and Los Mangles with a municipality of two thousand one hundred and thirty souls.

As it falls short of four thousand souls, this Canton will have one Elector.

SUMMARY

Cantons…….. 6
Municipalities…… 15
Towns…… 136
Souls…….. 132,387
Electors……. 45

Which should translate into six representatives for the Congress.

Cartagena, on 16 March 1822, 12th[1]

(signed)

Mariano Mantilla

1 This alludes to the fact that 1822 was officially the 12th Year since the Independence of Colombia.

Annex 72

DECREE OF THE GOVERNOR OF CARTAGENA, COLOMBIA, BANNING THE EXTRACTION OF GUANO IN THE ARCHIPELAGO OF SAN ANDRÉS, 15 NOVEMBER 1854

(Ministry of Foreign Affairs of the Republic of Colombia, files at the General Archives of Colombia, Bogotá, Folder N°9, Crónica Oficial de la Provincia de Cartajena, N° 127, Cartagena, 19 November 1854)

[Enclosure, Note N° 52 from the Governor of the Province of Cartagena to the United States Consul in that city, Mr. Ramon Leon Sanchez, enclosing 1854 Decree prohibiting guano extraction on the islands that form part of the Canton of San Andrés, 22 November 1854, Annex 25]

It is authentic -
The 1st officer in charge of the Secretariat of the Governorship,
Luis Maria de Ochoa

OFFICIAL CHRONICLE
OF THE PROVINCE OF CARTAGENA

15TH Quarter Cartagena, 19 November 1854. N° 127.

Forbidding the extraction of guano from the islands that are part of the Canton of San Andrés

The Governor of the Province of Cartagena,

Considering:

That the any vacant lands comprised in the national territory and the products of those lands are the exclusive property of the Republic, by the legal powers vested in him,

Decrees:

Art. 1.° Any extraction of guano from the recently discovered deposit in the District of Providencia, or from any other that may be discovered in the future in the group of islands that form the Archipelago of San Andrés, is hereby prohibited.

Art. 2.° Those infringing this prohibition shall be considered and prosecuted as defrauders of the Republic’s finances.

Be it made known to all the Consuls residing in this location; to the Political Chief of San Andrés for its strictest compliance, and to the Chargé d'Affaires of the Republic to the United States Government for matters of his competence.

Done at Cartagena, on 15 November 1854 - RAFAEL NÚÑEZ.-The Secretary, Henrique P. de la Vega.

Annex 73

COLOMBIAN LAW 25 OF 24 APRIL 1871

(*Diario Oficial*, N° 2.227, Bogotá 29 April 1871)

LAW 25 (of 24 April),
regarding the exploitation of guano and coconut groves belonging to the Government of the Union in the territory of San Andrés and San Luis de Providencia.

THE CONGRESS OF THE UNITED STATES OF COLOMBIA

D E C R E E S :

Art. 1.° The Executive Branch shall order to lease in public tender and for a term of five years, the right to extract guano and collect coconuts on the islets of Alborkeator [Alburquerque], Roncador and Quitasueño, in the Territory of San Andrés and San Luis de Providencia.

Art. 2° The lease shall be made before the Prefect of the Territory, having previously issued a public invitation in the Territory itself, at Colon, New York, Baltimore, Philadelphia and Jamaica, at least 90 days in advance, and the contract that is concluded shall be submitted to the approval of the Executive Branch.

Art. 3° The profit obtained from such lease shall be applied:

1. To the sustenance of elementary education in the Territory;

2. To the payment of the rest of the municipal employees established in the Territory;

3. To the acquisition and maintenance of a lighthouse at the location on those islets that, provided for in a prior report of the Prefect, the Executive Branch designates.

Art. 4° The Executive Branch is authorized to collect in the aforementioned Territory an import duty of up to five percent on the value of the goods imported for consumption, taking as a basis, the sworn statement of the importer, duties which shall be applied to paying the salary of the Prefect and his Secretary. To that effect, the Executive Branch is authorized to appoint an Administrator and other Customs employees and assign as salary to them, payable out of the profit of the aforementioned duties.

Done at Bogotá, on the twenty-second of April, eighteen seventy-one. - The President of

the Senate of Plenipotentiaries, Jacobo Sánchez. The President of the Chamber of Representatives, Pablo Arosemena. - The Secretary of the Senate of Plenipotentiaries, Julio E. Pérez - The Secretary of the Chamber of Representatives, Víctor Mallarino.

Bogotá, 24 April 1871 - Be it published and executed.

(L.S.)
EUSTORJIO SALGAR

The Secretary of Finance and Development, Salvador Camacho Roldán.

Annex 74

NOTE N° 5 FROM THE PREFECT OF THE NATIONAL TERRITORY OF SAN ANDRÉS AND SAN LUIS DE PROVIDENCIA TO THE SECRETARY OF FINANCE AND DEVELOPMENT, SAN LUIS, 26 SEPTEMBER 1871

(Archives of the Ministry of Foreign Affairs of Colombia, 25 December 1871, folio 829)

UNITED STATES OF COLOMBIA

National Territory of San Andrés and San Luis de Providencia

Number 5

San Luis, 26 September 1871

THE PREFECT.

Mr. Secretary of Finance and Development:

For information purposes of the Government of the Union, I am honored to inform you that on the islets known as "Roncador" and "Quitasueños", pertaining to the territory the administration of which I am in charge and distant 80 miles from San Andrés island, certain citizens of the United States of America fish turtle and tortoises and extract the guano contained in those islets exporting it to England, according to the information that this Prefecture sent to the Corregidor of San Andrés, the original of which I enclose to this note.

As this represents an abuse that is highly damaging to the interests of the territory I have given strict orders to the Corregidor of the island of Providencia in order that he precludes that American ships take the guano from those islets and now I report this so that you can take the measures that you consider are required.

From you, Mr. Secretary, I remain, truly yours
Your servant,

(signed) Polidoro Martinez

Annex 75

COLOMBIAN DECREE ISSUED BY THE PREFECT OF THE NATIONAL TERRITORY OF SAN ANDRÉS AND SAN LUIS DE PROVIDENCIA, 26 SEPTEMBER 1871

(Archives of the Ministry of Foreign Affairs of Colombia, 25 December 1871, Folios 829-840)

Decree prohibiting the extraction of guano from the cays of the territory known by the names of Alborkeator, Roncador and Quitasueños.

The Prefect of the national territory of San Andrés and San Luis de Providencia,

In exercise of his legal powers,

DECREES:

Art.1.- The extraction of guano from the cays of the territory known as Alborkeator, Roncador and Quitasueños, as well as that from the remainder cays connected to the islands of San Andrés and Providencia where the same material may be found, is hereby forbidden.

Art.2o.- Violators of this prohibition will be prosecuted and tried for crimes against the national treasure.

Given in San Luis on 26 September 1871

The Prefect, Polidoro Martínez

The Secretary, Emilio Martínez

Certified copy,

The Secretary of the Prefecture, Emilio Martínez

Annex 76

REPORT BYTHE PREFECT OF THE NATIONAL TERRITORY OF SAN ANDRÉS AND SAN LUIS DE PROVIDENCIA TO THE GOVERNMENT OF THE UNION, 25 NOVEMBER 1871

(Memoria del Secretario de lo Interior, Bogotá, Imprenta La Nación, 1872)

REPORT
Of the Prefect of the National Territory of San Andrés and San Luis de Providencia to the Government of the Union

Mr. Secretary of the Interior and Foreign Affairs.

In charge of the administration of this section of the Republic, I hereby comply with the duty imposed upon me by the 10th attribute of article 3.° of the executive decree issued pursuant to the law of 4 June 1868 on territories, providing you in all truth, by means of the present report, with a brief but faithful presentation of its current state and of the course followed but the administration of the territory in the current year.

…….....…….

V.

Dated 20 October of the current year, the Secretary under your charge was furnished with the general population census of the territory that the Government of the Union had ordered to be carried out, in order to determine exactly what population exists in the same territory. And, according to the chart submitted to that Secretary, this section has a population of three thousand, five hundred and thirty persons, on whom, according to the law, the epithet of civilized befits.

VI.

On the appointed date, and in accordance with the provisions included in the decree of the Executive Branch, pursuant to the law on territories, the elections for Delegate and Chamber of Representatives took place in a most orderly fashion. In them, only the agitation that is inherent to these solemn acts among peoples ruled by free institutions has been evidenced. Respect for the law shall bring us as close as possible to perfection in the exercise of electoral rights that are the basis upon which popular governments rest.

VII.

The island of San Andrés, that due to its extension was divided in the corregimientos [districts] of San Luis and San Andrés, has wonderful ways of communication. The municipal Councils, according to the agreements that they have issued regulating subsidiary personal labor, have achieved the permanent preservation of roads in a good state, and the Corregidors [mayors] zealously care for this important matter.

…….....……

X.

The Nation holds in this territory a portion of land that, because it is so forgotten, it could be said almost to be lost, but that is however susceptible of procuring some value to the Treasury, wherefore I ordered it to be demarcated and measured; because fiscal interest does not permit -nor does the decorum of the official in charge of the administration of this section so aware- neglect, on the one hand, and a misunderstood tolerance on the other, to lead others to acquire titles that can never be created, and that while the territory finds itself without resources to attend to fair demands, it does not take advantage of the revenue that that portion of land may afford it, leasing it under good terms, since it contains many cedar trees, "mora" wood and brazil wood, that have good prices in trade.

Besides this portion of land, estimated in sixty fanegadas[T.N.], the Nation has the islets known by the names of "Alborkeator" [sic], "Roncador" and "Quitasueños", that have deposits of regular-quality guano. From these two last islets, certain vessels coming from the United States of America have extracted a considerable amount of the aforementioned product in the current year, as the Corregidor of the Corregimiento de Providencia informed this office; wherefore I issued a decree on 26 September of this year, prohibiting guano extraction from the referred-to islets and gave strict orders to the same Corregidor to prevent the continuation of the perpetration of such abuse in detriment of the Nation's interests.

XI.

I am pleased to convey to you, that the section of the "Pichincha" Battalion number 8°, designated by the Executive Branch of the Union to form the garrison in this Territory, has earned the general appreciation of the inhabitants of the same, due to the exemplary behavior displayed during their stay in it. I consider it my duty to commend to the Government the conduct of the Forces and of the Second Lieutenant Ricardo Max Gaona.

[T.N.] "FANEGADA" IS A LAND MEASURE: 1 FANEGADA EQUALS 1.59 ACRES.

[T.N.] "PANELA" IS A BLOCK OF UNREFINED BROWN SUGAR, USUALLY A BY-PRODUCT OF SUGARCANE PROCESSING, SIMILAR TO MOLASSES AND WIDELY CONSUMED IN COLOMBIA.

XII.

Agriculture, that is the specialty industry of the territory, and that which with relatively less expenses than any other rewards the labor and capital devoted to it with considerable products, acquires a progressive development day by day. On the island of San Andrés, particularly, agriculture is expanding and receiving numerous improvements, the results of which exceed the most flattering expectations. In such a way, grown capitals are settling in the territory that, due to the profits they yield, prepare the productive funds that other terrains require.

The coconut plantations extend with astonishing speed, being the most fertile spring of riches and capital. There are also lovely cotton plantations that produce copious harvests, and there are two facilities for the production of "panela"[T.N.], that are a cause of satisfaction for the territory, no less so than for the owners of those properties.

XIII.

The increased values of the different export products provided by the agricultural industry of the territory afford a large mass of profits, exchanged for merchandise sent to us from certain localities of the United States of America and Jamaica.

Since January of the current year until 31 October, several vessels from the United States have arrived at the ports of the territory, seeking coconuts. Attached to this report, I submit a chart to you including the port of origin of the vessels, their name and that of their respective captains, and the dates of their arrival and departure.

It is estimated that the vessels included in the chart have exported two million coconuts that, bought here for the fixed price of twenty-five pesos for every thousand coconuts, represent a considerable amount in trade, that it would not be adventurous to estimate in five hundred thousand pesos.

It has not yet been possible to systematize a plan whereby it may be feasible to make an exact investigation as to the amount that the value of the articles imported and consumed in the territory reaches, upon establishing the customs office, and having great care, it will be possible to form the trade statistics.

.....

Sal Luis, 25 November 1871.

Mr. Secretary.

Polidoro Martinez.

Annex 77

NOTE N° 35 FROM THE PREFECT OF THE NATIONAL TERRITORY OF SAN ANDRÉS AND SAN LUIS DE PROVIDENCIA TO THE SECRETARY OF FINANCE AND DEVELOPMENT OF THE UNION, 25 DECEMBER 1871

(General Archives of Colombia, 1871, INCORA, folio 728 and ff.)

UNITED STATES OF COLOMBIA

National Territory of San Andrés and San Luis de Providencia

Number 35

San Luis, 25 December 1871

THE PREFECT

Mr. Secretary of Finance and Development,

I have the honor to inform you, and the Government through you, that today the coconut grove located on the islet known indistinctly as “Alborkeator” or “South-south-west” was leased by public auction and that the lease was adjudicated to Mr. John C. Sterkenberg for a period of five years and for the sum of 1,001 pesos.

I enclose the original of the contract signed in order that it is either approved or rejected by the Executive Branch of the Union.

I remain truly yours, your obedient servant,

Polidoro Martínez

[Enclosure follows, see next page]

Exploitation of Coconut Groves and Guano in San Luis de Providencia

Contract between the Prefect of San Andrés and San Luis de Providencia and Mr. J.C. Sterkenberg, San Luis, 25 December 1871

Polidoro Martínez, Prefect of the National Territory of San Andrés and San Luis de Providencia, on one hand, and Mr. John C. Sterkenberg, on the other, have concluded a contract according to the following clauses:

First. Sterkenberg takes in lease from the Government the coconut grove located on the islet known by the names of "Alborkeator" or "South-south-west", for a term of five years, starting from the 1st. of January of the next year;

Second. For the lease of the said Cocount Grove over the five years Sterkenberg will pay the amount of one-thousand and one pesos in hard currency ($1,001.00) and he commits to pay such amount in installments every three months. In case of default of payment he will pay an interest of two and a half per cent a month on the sums he fails to cancel and he and his properties in general will be responsible for the total amount.

Third. On behalf of the Government, Martínez commits to maintain Sterkenberg in possession of said coconut grove for the period already mentioned or until Sterkenberg fulfill his duty to pay the agreed sums within the five years.

Fourth. Sterkenberg commits further to make sure that nobody collects guano from the said islet, save for the person who has acquired that right by way of lease.

The present contract will be submitted for approval to the Executive Branch of the Union, pursuant to the provisions of Article 2nd. of the Law of 22 April of this year, concerning the exploitation of the guano and coconut in the territory of San Andrés, belonging to the Government of the Union.

Annex 78

NOTE N° 17 FROM THE PREFECT OF THE NATIONAL TERRITORY OF SAN ANDRÉS AND PROVIDENCIA TO THE COLOMBIAN SECRETARY OF THE INTERIOR AND FOREIGN AFFAIRS, 25 NOVEMBER 1872

(Archives of the Ministry of Foreign Affairs of the Republic of Colombia)

United States of Colombia.
Prefecture of the National Territory of San Andrés and San Luis de Providencia.

N°17

San Andrés, 25 November 1872.

Mr. Secretary of the Interior and Foreign Affairs.

During the visit that I just made to the Island of Providencia, I obtained the report that I hereinafter communicate to you:

For a long time now, Mr. Alfred Chiddey, Agent for the trading house of G. Fhompren, F. Bernard & Co. of London, has settled on the islet called "Roncador", located 112 miles away from here, with the purpose of extracting guano. To that effect, they have a house and workers there.

Mr. Rice, Agent for Mr. Philip Mino of Philadelphia, has likewise settled on another islet called "Serrana", 125 miles away from this island, with identical purpose.

These gentlemen claim to be owners of the aforementioned islets due to their purchase thereof from the Colombian Government, and have even carried out sales amongst them, so I have been informed, of the right to extract this or that product from the islets.

My first idea upon seeing this report was to travel to the reported locations and prevent the abuse that these gentlemen have been committing, but as it seemed insufficient due to my belief that a serious claim by the Government might be called for, I have decided to await Your Excellency's instructions on this delicate matter.

It is not unnecessary to convey to You, that travel by sea demands certain expenses, because one cannot navigate but in schooners at the very least, which, as all sailing vessels, are subject in their course to the changes in the wind, which being unfavorable car-

ries a great delay in the journey, and therefore considerably increases the term of the trip, in order that You may authorize me to incur in the expense caused by the fulfillment of the orders that you impart on the matter that I have dealt with in this note.

I am your attentive servant,

[signed]
Eduardo Mamby

Annex 79

CONTRACT FOR THE EXPLOITATION OF MINERALS AND FERTILIZERS IN THE ARCHIPELAGO OF SAN ANDRÉS, 25 APRIL 1874

(*Diario Oficial* N° 3.152, Bogotá, 4 May 1874, p. 1653)

Secretary of Finance and Development

CONTRACT on the exploitation of minerals and fertilizers on certain vacant terrains of the nation.

Aquileo Parra, Secretary of State for the office of Finance and Development of the Government of the United States of Colombia, duly authorized by the national Executive Branch, on the one hand, and Lazaro Maria Perez, on his own behalf, and on that of Mr. J. Sescan, a banker in Paris, domiciled at the Place de Vendome, number 10, of whom he is a representative, on the other, have concluded the following contract:

Art. 1.° J Sescan and Lazaro Maria Perez undertake to exploit by themselves or through a representative or Company organized by them, the minerals and fertilizers found on the vacant terrains of the national Territory of San Andrés and Providencia.

Art. 2.° In a year, as of the date on which the exploitation of each mine or deposit begins, and in order for the Executive Branch to definitively determine the extension of terrain granted to the enterprise, the entrepreneurial Company shall submit to the Executive Branch a chart of the area or land on which the mine or deposit of fertilizer lies, on which it shall be marked with adequate precision, the part of the terrain that is indispensable for the exploitation of the mine, for its development and that to be adjudicated to the workers and settlers.

Paragraph. The Executive Branch may not dispose of any stretch of the vacant terrains of the national Territory of San Andrés and Providencia before the expiration of the year within which the Company is to submit the aforementioned chart; but after the definitive boundaries are fixed, by virtue of that submission, the Executive Branch may freely dispose of the area not deemed indispensable for the aforesaid purposes.

Art. 3.° Twenty percent of the net profits of the exploitation correspond to the Republic.

Art. 4.° For purposes of the previous article, the contractor shall be under the obligation to do the bookkeeping of the enterprise's accounting in commercial style, with the system of double entry; to adjust them to the provisions of the Code of Commerce of the Nation; to settle accounts year by year; and to deposit at the general Treasury of the Union, yearly, the quotas corresponding to the Republic, according to the respective settlement approved by the Agent designated by the Executive Branch.

Art. 5.° The accounting of the enterprise shall be substantiated as per commercial style, and may be inspected at any time by the Agent designated by the Executive Branch; and the observations he makes on any irregularities he notices and on unsubstantiated entries or those that are insufficiently so, must be addressed satisfactorily by the entrepreneurs, so that it can be admitted as stated.

Art. 6.° The contractor undertakes to make, within two years as of the date of this contract's approval by the Executive Branch, a deposit for an amount of five thousand dollars ($5,000) to the Union's general Treasurer's satisfaction, to ensure compliance with the stipulations of this contract.

Art. 7.° The contractor shall incur in a fine of five thousand pesos, that shall accrue the national Treasury, in case he fails to comply with any of the following stipulations:

1.st That contained in the first part of article two of this contract;

2.nd If the exploitation works have not begun within three years as of the date of this contract's approval by the Executive Branch.

Art. 8.° The rights acquired by the entrepreneur through this contract may not be transferred to any foreign Government.

Art. 9.° The duration of this contract shall be of fifty years, as of the date on which the extraction of minerals and fertilizers commences; at the end of which, the roads or railways built by the entrepreneur to facilitate the transport of the minerals and fertilizers, as well as the works, machinery, devices and other elements employed by him in the exploitation, shall become properties of the Republic, free of charge.

Art. 10. This contract shall terminate in the following cases:

1.° If within two years, as of the date of its approval by the Executive Branch, the entrepreneurial Company is not organized and the deposit provided for in Article 6.° has not been made;

2.° If the exploitation works have not begun within three years as of the date of its approval by the Executive Branch;

3.° If the exploitation works are suspended for over twelve consecutive months, except in the case of a duly substantiated Act of God, and so assessed by the Executive Branch. In this case, and for the purposes of article five of this contract, the fifty years of its duration shall be deemed to have lapsed.

4.° If the accounting of the enterprise is not kept in the way provided for in article four of this contract; and

5.° If the entrepreneurs fail to deposit the part of the profits corresponding to the Republic for two consecutive years, notwithstanding its collection by legal means.

Art. 11. In case of a disagreement between the Government and the contractor, it shall be resolved by the courts of the Republic in accordance to national law.

Art. 12. If the contractor should discover mines or fertilizer deposits in any other vacant terrains of the Republic, except for those hereinafter listed, he shall be entitled to have adjudicated to him, the area of land where those mines or deposits are found, along with the adjacent territory that the Executive Branch deems necessary for their exploitation and development, and to be adjudicated to the workers and settlers. The contractor shall submit charts of such mines or deposits in accordance with the provisions of article 2.°, and shall be subjected, with regard to those mines or deposits, to the same obligations that he has undertaken by this contract with regard to those found on the Territory of San Andrés and Providencia. The right hereby granted to the contractor shall only last for two years; consequently, he shall not be able to exercise it if, within such time, exploitation of those mines does not begin and if the corresponding charts and adjudication are not made.

The vacant terrains exempted from this provision are the following: Those of the national territory of Bolivar; those comprised in the zone across which the inter-oceanic canal is to be excavated; those required to carry out the contracts concluded on 21st June last with Mr. Gregorio Obregon, regarding the exploitation of minerals and fertilizers; and those that have been granted to the entrepreneurs for material betterments by the current contracts on the matter.

Art. 13. This contract shall not render its effects until it has been approved by the national Executive Branch.

In witness whereof we sign two identical copies at Bogotá, on the twenty-fifth day of April of eighteen-hundred seventy-four.

AQUILEO PARRA ----- LAZARO MARIA PEREZ.

National Executive Branch. - Bogotá, 30 April 1874.
Approved.
The President of the Union,

(I.S.) S. PEREZ
The Secretary of Finance and Development,

AQUILEO PARRA

Annex 80

DEFINITIVE ADMINISTRATIVE TERMINATION OF CONTRACT FOR THE EXPLOITATION OF MINERALS AND FERTILISERS IN THE ARCHIPELAGO OF SAN ANDRÉS, 9 OCTOBER 1877

(*Diario Oficial*, N° 4.032, Bogotá, 12 October 1877, p. 4911)

Secretary of Finance and Development

…….....…….

RESOLUTION whereby the definitive administrative termination of the contract concluded with Mr. Lazaro Maria Perez, on 30 April 1874, "on the exploitation of minerals and fertilizers on certain vacant terrains of the nation", is declared.

Office of Finance and Development - Bogotá, 9 October 1877.

Having seen the following documents:

1.° The contract concluded by the Government of the Union with Mr. Lazaro Maria Perez, on 30 April 1874, "on the exploitation of minerals and fertilizers on certain vacant terrains of the nation" (Official Journal number 3,152);

2.° The executive resolution dated 7 February 1876, whereby Mr. Perez was granted a one-year extension to make the deposit contemplated in article 6.° of that contract.

3.° The resolution of 28 June 1877, whereby the administrative termination of the same contract is declared (Official Journal number 3,971);

4.° The resolution of 11 July 1877, whereby the effects of the former resolution are suspended (Official Journal number 3,977); and

5.° The report rendered by the Prefect of the national Territory of San Andrés and Providencia in note dated 10 August last, number 288, wherefrom it appears that the exploitation works referred to in stipulation 2 of article 7.° of the contract in question have not begun;

And, considering that, although it is true that Messrs. Flament and Company, of Paris, by virtue of having replaced the initial concessionaries in the aforementioned contract, complied with the duty of making the deposit contemplated in article 6.° in due time, nei-

ther they nor Mr. Perez have complied with the obligation of initiating the works for the exploitation of minerals and fertilizers within the term set to that effect.

IT IS RESOLVED:

1.° The contract of 30 April 1874, concluded by the national Government with Mr. Lazaro Maria Perez, "on the exploitation of minerals and fertilizers on certain vacant terrains of the nation" is declared to be definitively terminated, the case foreseen in paragraph 2.° of its article 10 having been arrived at; and

2.° It is likewise declared that the contractor, that is Messrs. Flament and Company, of Paris, in their capacity as substitutes of the initial concessionaries, have incurred in the fine of five thousand pesos ($5,000), in favor of the national Treasury, for not having complied with the 2nd stipulation of article 7.° of the aforementioned contract.

Be it notified to those it may concern and published.

For the citizen President,

The Secretary, LUIS BERNAL

Annex 81

CONTRACT FOR THE EXPLOITATION OF MINERALS AND FERTILIZERS IN THE ARCHIPELAGO OF SAN ANDRÉS, 11 JANUARY 1882

(*Diario Oficial* N° 5.257, Bogotá, 27 January 1882, pp. 10.080-10.,081)

Secretary of Development

CONTRACT on the exploitation of minerals and fertilizers on certain vacant terrains of the nation.

Narciso González Linéros, Secretary of State at the Office of Development of the Government of the United States of Colombia, authorized by the national Executive Branch, on the one hand; and on the other, Lazaro Maria Perez, on his own behalf, and representing Messrs. Flament & Co. of Paris, have concluded the following contract:

Art. 1.° Flament & Co. and Lazaro Maria Perez undertake to exploit by themselves or through a representative or Company organized by them, the minerals and fertilizers found on the vacant terrains of the national Territory of San Andrés and Providencia.

Art. 2.° In a year, as of the date on which the exploitation of each mine or deposit begins, and in order for the Executive Branch to definitively determine the extension of terrain granted to the enterprise, the contractors shall submit to the Executive Branch a chart of the area or land on which the mine or deposit of fertilizer lies, on which it shall be marked with adequate precision, the part of the terrain that is indispensable for the exploitation of the mine, for its development and that to be adjudicated to the workers and settlers.

Paragraph. The Executive Branch may not dispose of any stretch of the vacant terrains of the national Territory of San Andrés and Providencia before the expiration of the year within which the contractors are to submit the aforementioned chart; but after the definitive boundaries are fixed, by virtue of that submission, the Executive Branch may freely dispose of the area not deemed indispensable for the stated purposes.

Art. 3.° Twenty percent of the net profits of the exploitation correspond to the Republic.

Art. 4.° For purposes of the previous article, the contractors shall be under the obligation to do the bookkeeping of the enterprise's accounting in commercial style, with the sys-

tem of double entry; to adjust them to the provisions of the Code of Commerce of the Union; to settle accounts year by year; and to deposit at the general Treasury of the Union, yearly, the quotas corresponding to the Republic, according to the respective settlement approved by the agent designated by the Executive Branch.

Art. 5.° The accounting of the enterprise shall be substantiated as per commercial style, and may be inspected at any time by the agent designated by the Executive Branch; and the observations he makes on any irregularities he notices and on unsubstantiated entries or those that are insufficiently so, must be addressed satisfactorily by the contractors, so that it can be admitted as stated.

Art. 6.° To ensure compliance with this contract, the national Government admits as a deposit made by the contractors, the sum of five thousand dollars ($5,000) deposited by Messrs. Flament & Company of Paris, at the Legation of the Republic in France, on 30 April 1877, but that sum shall in no case be returned to the contractors.

Paragraph. Considering that the resolution of the Secretary of Development of 16 December 1881 virtually derogated that of the Secretary of Finance and Development of 9 October 1877 -that declared Messrs. Flament & Company of Paris to have incurred in a fine, it is agreed that the aforementioned Sirs may obtain reimbursement for such fine with the first quantities that, when the time comes, they are to deliver to the Government of the Union, due to the twenty percent corresponding to it in the profits of the enterprise pursuant to the stipulation in article 3.° of this contract.

Art. 7.° The contractor shall forfeit all of their rights in case they fail to comply with any of the following stipulations:

I. That contained in the first part of article two of this contract; and

II. If the exploitation works have not begun within three years as of the date of this contract’s approval by the Executive Branch.

Art. 8.° The rights that the entrepreneurs acquire through this contract may not be transferred to any foreign Government.

Art. 9.° The duration of this contract shall be of fifty years, as of the date on which the extraction of minerals and fertilizers commences; at the end of which, the roads or railways built by the entrepreneurs to facilitate the transport of the minerals and fertilizers, as well as the works, machinery, devices and other elements employed by the contractors in the exploitation, shall become properties of the Republic, free of charge.

Art. 10. This contract shall terminate in the following cases:

I. If within two years, as of the date of its approval by the Executive Branch, the entrepreneurial Company is not organized;

II. If the exploitation works have not begun within three years as of the date of its approval by the Executive Branch, except if delays are caused by duly substantiated Acts of God or *force majeur*;

III. If the exploitation works are suspended for over two consecutive months, except in the case of a duly substantiated Act of God, and so assessed by the Executive Branch. In this case, and for the purposes of article five of this contract, the fifty years of its duration shall be deemed to have lapsed.

IV. If the accounting of the enterprise is not kept in the way provided for in article four of this contract; and

V. If the contractors fail to deposit the part of the profits corresponding to the Republic for two consecutive years, notwithstanding its collection by legal means.

Art. 11. In case of a disagreement between the Government and the contractors, it shall be resolved by the Courts of the Republic in accordance to national law.

Art. 12. If the contractors should discover mines or fertilizer deposits in any other vacant terrains of the Republic, except for those hereinafter listed, they shall be entitled to have adjudicated to them, the areas of land where those mines or deposits are found, along with the adjacent territory that the Executive Branch deems necessary for their exploitation and development, and to be adjudicated to the workers and settlers.

The contractors shall submit charts of such mines or deposits in accordance with the provisions of article two, and shall be subjected, with regard to those mines or deposits, to the same obligations that they have undertaken by this contract with regard to those found on the Territory of San Andrés and Providencia.

The right hereby granted to the contractors shall only last for two years; consequently, they shall not be able to exercise it if, within such time, exploitation of those mines does not begin and if the corresponding charts and adjudication are not made.

The vacant terrains exempted from this provision are the following: Those of the national territory of Bolivar; those comprised in the zone across which the inter-oceanic canal is to be excavated; those required to carry out the contracts concluded on material betterments or of any other kind that comprise vacant terrains and are in force.

Art. 13. This contract shall not render its effects, nor will it be valid without the approval of the Executive Branch, and without its conditions being accepted by Messrs. Flament & Company of Paris.

In witness whereof we sign two identical copies, on the eleventh day of January of eighteen-hundred eighty-two, in the city of Bogotá.

Narciso Gonzalez Lineros ---- Lazaro Maria Perez.

National Executive Branch. - Bogotá, 18 January 1880.
Approved.

RAFAEL NUÑEZ

The Secretary of State in the Office of Development,
NARCISO GONZALEZ LINEROS

Annex 82

NOTE N° 326 FROM THE PREFECT OF THE PROVINCE OF PROVIDENCIA TO THE SECRETARY OF GOVERNMENT AT CARTAGENA, 19 SEPTEMBER 1890.

INCLUDES TEXTS OF NOTES N° 1455 AND 1524 FROM THE SECRETARY OF FINANCE AND DEVELOPMENT TO THE PREFECT OF SAN ANDRÉS AND PROVIDENCIA, OF 6 FEBRUARY AND 13 APRIL 1875, RESPECTIVELY.

(General Archives of Colombia, 19 September 1890)

REPUBLIC OF COLOMBIA
DEPARTMENT [State/Province] OF BOLIVAR
Prefecture of the Province of Providencia

N° 326

San Andrés, 19 September 1890

Mr.
Secretary of Government
Cartagena

I have been honored to receive your kind note N° 679 of 25 June last, wherein you kindly transcribe to me that which H.E. the Minister of Foreign Affairs addressed to the Governor of the Department, on 26 May last, numbered 487.

Pursuant to what was provided for in the dispatch you have seen fit to address to me, I have devoted special efforts to gather as many notes as the Archives have been able to provide me with, in regard to the acts of dominion that the Government of Colombia has exercised over the Cays of Roncador and the rest of the Islands that form the Archipelago of San Andrés. Unfortunately, the offices of this Province only hold organized archives from the year 1870 onward, and the data gathered is relatively small and all too well-known by the Government.

I have likewise ordered the exact determination of the position of the Cays of

"Roncador" and their distance from the Island of Providencia; I have also taken depositions from national and foreign individuals, relating to the matter of this note, of which I send You copies.

I would have liked this report to be more extensive, but it has been impossible for me to fulfill this wish due to the aforementioned reason, that is, the absolute lack of information.

I had purposefully delayed the reply to your note, in the hope of gathering certain data in the Offices of Providencia, but their Archives only go back as far as 1876.

The Cays of "Roncador" are located at 80'4" longitude west and 13'27" latitude north of the Greenwich meridian, and at a distance of 65 miles from the Island of Providencia. They have no population during the first months of the year, but from the month of June onward are continuously inhabited by a large part of the population of these Islands, that goes there with the purpose of fishing for tortoiseshell, fishing that constitutes one of the main riches of this region.

The Cays of "Roncador", as well as those of "Alburquerque", "Quitasueño" and "Serrana" constitute valuable guano deposits and one of them, "Alburquerque" holds certain coconut plantations. The Congress of the United States of Colombia, in its 1871 sessions (Law 25 of 24 April) authorized the Executive Branch to lease, for a term of five years, the right to extract guano and collect coconuts on the referred-to Cays, and to that effect the latter concluded a contract with Messrs. Lazaro Ma. Perez and Mr. Sescan (Official Journal N° 3.152); they in turn ceded it to Messrs. Flament & Co. of Paris, and it was definitively terminated by virtue of the resolution issued by the Government on 9 Oct. 1877 (Official Journal No. 4.032).

Prior to this date, the Secretary of Finance and Development of the Union addressed to the Prefect of the former Territory of San Andrés and San Luis de Providencia, the note that I hereinafter transcribe, which is marked with N° 1455 and dated 6 Feb. 1875. The referred-to note reads as follows:

"Mr. Lazaro Maria Perez has addressed to this Secretariat, dated on the 5th of the current month and year, the memorial that I hereinafter insert:

'My concessionaries in the contract for the exploration of coal mines and fertilizer deposits in the Territory of San Andrés and Providencia, wrote to me from Paris, dated 31 October last, that they had learned through two different channels that several shipments of guano had been fraudulently extracted from those islands, and that a large ship of the U.S. of America had recently arrived at Providencia to load a shipment of the same fertilizer, operation that was prevented by the Prefect of the Territory. In light of this state of affairs, and foreseeing new attempts of fraud, they indicate it as convenient for me to resort to the Government of the Union, un order for it to impart the strongest instructions to the Prefect of that Territory that, supporting and strengthening his sound

provisions, may safeguard and affirm the rights that we have acquired by the concluded contract. And it is with this purpose that I denounce what has been occurring thus far, begging Mr. Secretary to accede to address a note to the Prefect of the Territory in the terms he sees fit.'

"I transcribe the above, so that you will proceed to issue the necessary provisions to prevent guano being illegally extracted from the Islands of San Andrés and Providencia in the future. I am your att. servant - (signed) Aquileo Parra"

Afterwards, the same official addressed a new note to the Prefect of the Territory, N° 1524 of 13 April of the same year, which reads as follows: ----------

"The Government having concluded with Messrs. Lazaro Ma. Perez and I[sic]. Sescan the contract published in the Official Journal N° 3152, on the exploitation of minerals and fertilizers in the vacant terrains of that Territory, there is greater need, if possible, of surveillance to prevent guano from being extracted or exported by persons other than those that have acquired that right. To that effect, I have been charged by the Citizen President with conveying to you the existing urgency for You to take as many provisions as are within the scope of your authority and that your known zeal concerning national interests advice you, in order to prevent the contraband of guano. I obviously point out to you the convenience of your opening a registry in which you record the quantity of guano sold or exported by the contractors Messrs. Perez and Sescan or their agents, for purposes of which you will advise them to inform you of every sale or export they perform, with you proceeding to ascertain the accuracy of the sold or exported quantities.

I expect You to send to this Office, every six months, copy of the registry that is maintained, to inform of the provisions you take in this regard, as well as those that in your opinion it would be convenient to adopt, but that are not within the legal scope of your attributions.

I am your most attentive servant. (Signed) Nicolas Esguerra."

The Prefect of the Territory replied to the Government that it was absolutely impossible for him to issue any provision at all to prevent fraud, and that the Prefecture could not dispose of forces or vessels to travel to the referred-to Cays, so the exploitation of the guano deposits continued without the exploiters being disturbed by anyone.

A new contract was signed by the Government on 11 January 1882 with the same Messrs. Perez and Flament & Co., but this Prefecture has not knowledge of the exploitation having been carried out.

In 1885, the Prefect of the territory addressed the National Government requesting help to prevent the fraudulent exploitation of guano that was again being taken by the American ships from "Roncador" Cay, but the requested aid never came and the

exploiters, not satisfied with the valuable cargo they were taking, raised the flag of the U.S. of A. on those Cays and exercised true acts of sovereignty over them.

Four years later, in January of the current year, an American ship came to this Port with the purpose of hiring workers to continue the exploitation of the guano deposits. This Prefecture having learned of what was happening, it made Mr. J.W. Jennet, leaser of that ship, appear before it with the purpose of informing him that those deposits are the property of the Government of Colombia and that no one may exploit them without previously concluding a contract with the Government. Mr. Jennet replied by exhibiting a written authorization from the Government of the U.S. of America and assured, likewise, to have taken from the cays a considerable amount of tons of guano from the Cays. This declaration was given by Mr. Jennet under oath and a copy of it was submitted to the Secretariat of Government of the Department under cover of note N° 314, of 15 January of the current year, as well as copy of the documents that Jennet claimed to have obtained from the Government of the U.S. of America.

The right that the Republic of Colombia has over the Islands that form the Archipelago of San Andrés is indisputable -and the facts previously narrated prove in a conclusive manner that the Government has always disposed of them as an integral part of the national territory. This right is the same as that which it holds over the Islands "Mangle Grande" [Great Corn] and "Mangle Chico" [Little Corn] (Corn Islands) and over the strip of land that carries the name of Mosquito Coast, a right that is recognized by those born in those regions and by the foreigners residing in them.

I believe it is pertinent to state here, that even though the Government has sometimes imparted instructions to the authorities to prevent abuses by foreigners in this region, it has limited itself only to communications, without the case having arisen to suppress with a strong fist acts that, as those that I now deal with, constitute true attempts against national sovereignty.

When the Mosquito Coast and the Archipelago of San Andrés were segregated by Royal Order from the Captaincy General of Guatemala, to be attached to the Viceroyalty of the Nueva Granada, Mr. Tomas O'Neille was appointed Governor of this Territory, and he signed his official acts as follows: "D. Tomas O'Neille, Commander of Infantry and Governor of the Islands o San Andrés, Providencia, Corn Island, etc. This official governed the Archipelago for some years and was replaced by General Aury, who exercised his authority over the same territory, until years after independence was proclaimed, wherefrom it is borne out that these Islands have been an integral part, from a long time ago, of the Territory that now forms the Republic of Colombia, and that the latter has rights over them in accordance with the uti possidetis of 1810. The Government of the Nueva Granada, upon organizing the Cantons of Bocas del Toro and San Andrés, failed to mention the Islas Mangles (Corn Islands), and these came to be a part of the indigenous government of the Mosquito Coast, until the middle of this year when the Government of the Republic of Nicaragua took possession of those Islands without anyone protesting this action.

However, in the year 1865 the Congress of the United States of Colombia did not seem willing to approve the Treaty of Friendship, Commerce and Navigation between this Republic and that of Costa Rica, since Colombia believed that it would be ceding -without any gain- part of its territory -despite the fact that the Plenipotentiary of Costa Rica recognized its rights over the Islands Escudo de Veraguas, Providencia, Santa Catalina, San Andrés, Alburquerque, Mangle Grande [Great Corn] and Mangle Chico [Little Corn] -now Corn Islands- and others that corresponded to the former Province of Cartagena, under the name of Canton of San Andrés. (Art. 2º of said treaty Official Journal Nº 305, YEAR 1865)

I have purposefully referred to what just happened in the "Islands of Corn Island" in this report, with the purpose of informing the Government of their occupation by that of Nicaragua, which, to my understanding, constitutes an act of veritable usurpation.

I thus leave answered your note Nº 679, of 25 June of the current year.

I am, your most attentive and sure servant,

Juan C. Ramírez.

[announced enclosures follow, ff.]

In San Andrés, capital of the Province of Providencia, on the 19th day of September of 1890, Mr. Alejandro Abrahams appeared at this Office of the Prefecture, who, under oath, offered to tell the truth as to what he knew and was inquired upon; and having been asked to state his name, nationality, city, civil status, occupation, age, religion, etc, he replied: That his name is as stated above, born in England, currently residing in this District, married, sailor, of age, Jewish and with no other particulars. - Questioned - Do you know or have you heard what country do (or have) the so-called "Roncador" Cays belong(ed) to?. - He replied: That the witness knows that the referred-to Cays belong and have belonged to Colombia, because he has so heard for as long as he has been sailing around these coasts, which is over twenty-five years, and because his nautical books state it to be so, among which he is able to quote "Sailing directions for the coast of Colombia and Mosquito", work published in London in 1856, by the publishers of nautical charts - Messrs. James Imray and Son. - Questioned: Do you know if the Government of Colombia has exercised acts of dominion regarding the Cays of "Roncador"? - He replied: That he is aware that the Government has opposed the extraction of guano from the aforementioned Cays, and that he further knows that only the inhabitants of this Province move to those Cays yearly with the purpose of fishing for tortoiseshell; that it is all he knows in that regard. At this point, the current affidavit ended, and having been read aloud to the witness he ratifies and signs it, and the undersigned Prefect certifies that he received it directly and personally, hearing it from the witness and having it transcribed in his presence.

The Prefect - (signed) Juan C. Ramirez -
(signed) Alejandro Abrahams -
(signed) The Official Interpreter - Aureliano S. Nuñez (signed) The Secretary, Juan Arias

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On the same date, Mr. Alejandro Armstrong appeared, with the purpose of rendering a declaration regarding the matter under investigation, and -under oath- swore to tell the truth as to what he knew and was inquired upon; and having been asked to state his name, age, civil status, occupation, religion, residence, etc., he replied: That his name is as stated above, a citizen of the U.S. of America, currently a resident in this District, Protestant, married, sailor and with no other particulars. - Questioned - Do you know or have you heard what country do (or have) the so-called "Roncador" Cays belong(ed) to?. - He replied: That he has always believed that the "Roncador" Cays belong to Colombia. - Questioned - Why does the witness believe that the aforementioned Cays belong to Colombia? - He replied: That he believes so because his sailing books so state, among which he is able to quote "The American Coast Pilot", work published in New York in 1864, by Messrs. Edmund and George W. Blunt, who place those Cays within the same group as "Alburquerque", Vieja Providencia [Old Providence", "Santa Catalina", "Quita sueño", etc.; that it is all he knows in that regard. Thus the current affidavit ended, and having been read to the witness he ratifies and signs it with the Official Interpreter, the undersigned Prefect certifying that he received it directly and personally, hearing it from the witness and having it transcribed in his presence.
(signed) Juan C. Ramirez - (signed) Alejandro Armstrong
(signed) Aureliano S. Nuñez (Official Interpreter) - (signed) Juan Arias (Secretary).

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On the same date, Mr. Federico Robinson appeared, with the purpose of rendering a declaration regarding the matter under investigation, and -under oath- swore to tell the truth as to what he knew and was inquired upon; and having been asked to state his name, age, nationality, residence, civil status, occupation, religion, etc., he replied: That his name is as stated above, of age, born in Providencia, married, a sailor, Protestant and with no other particulars. - Questioned - Do you know or have you heard what country do (or have) the so-called "Roncador" Cays belong(ed) to?. - He replied: That he knows that the cays of "Roncador" belong to Colombia. - Questioned - Why do you know that those Cays belong to Colombia? - He replied: That he knows that the aforementioned Cays belong to Colombia because his nautical books so state, among which he can mention "The American Coast Pilot", and because the limits of Colombia's seas are marked on geographical charts. Questioned - If he knows whether the Government of Colombia has exercised acts of dominion on the stated Cays? - He replied: That he does not remember the acts of dominion that the Government has exercised over the stated Cays, but that he knows that the inhabitants of this Province move to those Cays yearly with the purpose of fishing for tortoiseshell; that it is all he knows in that regard. - Thus the current affidavit ended, and having been read to the witness he ratifies and signs it with the Official

Interpreter, the undersigned Prefect certifying that he received it directly and personally, hearing it from the witness and having it transcribed in his presence.
(signed) Juan C. Ramirez - (signed) Frederick W. Robinson
(signed) Aureliano S. Nuñez (Official Interpreter) - (signed) Juan Arias (Secretary).

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On the same date, Mr. Lazaro Ruiz S. appeared, with the purpose of rendering a declaration regarding the matter under investigation and, under oath, he offered to tell the truth as to what he knew and was inquired upon; and having been asked to state his name, age, nationality, residence, civil status, occupation and religion, etc., he replied: That his name is as stated above, of age, born in Venezuela, resident in this District, married, a sailor, Roman Catholic, and with no other particulars. - Questioned - Do you know or have you heard that the so-called “Roncador” Cays belong or have belonged to any nation, and what nation is that? - He replied: That he knows that the Cays called “Roncador” belong to Colombia. - Questioned - Why do you know that those Cays belong to Colombia? - He replied: That he knows that the stated Cays belong to Colombia because the sailing books he owns so state, and because this fact is generally recognized by all; that it is all he knows in that regard. - Thus the current affidavit ended, and having been read to the witness he ratifies and signs it, the undersigned Prefect certifying that he received it directly and personally, hearing it from the witness and having it transcribed in his presence.
(signed) Juan C. Ramirez - (signed) Lazaro Ruiz S.
(signed) Juan Arias (Secretary).

It is a Copy.

The Secretary
Juan Arias

Annex 83

NOTE N° 5382 FROM THE COLOMBIAN ACTING FOREIGN MINISTER TO THE GOVERNOR OF THE PROVINCE OF BOLÍVAR, 13 JANUARY 1892

(Archives of the Ministry of Foreign Affairs of Colombia)

Bogotá, 13 January 1892

Mr.
Governor of the Province of Bolívar
Cartagena

As soon as I received your kind letter No. 1143 of 29 December last, I transmitted a copy of that letter as well as its annexed documents to the Minister of Colombia in Washington, who is tasked to dealing with the pending claim against the Government of the United States in order to uphold our rights of dominion and possession over the cays of Roncador and possession over the cays of Roncador and Quitasueño.

As for the lack of a proper ship that may be used to patrol those cays and to prevent the usurpations that certain foreigners commit there, I have also submitted the matter to the Ministry of Finance, who is concerned with it, as it refers to property of the nation that is extracted in a dubious way.

I remain, truly yours,

The Under-Secretary, acting for the Foreign Minister,

(signed)

Marco F. Suárez

Annex 84

NOTE N° 343 FROM THE COLOMBIAN ACTING MINISTER OF FINANCE TO THE FOREIGN MINISTER, 1 FEBRUARY 1892

(Archives of the Ministry of Foreign Affairs of Colombia)

REPUBLIC OF COLOMBIA

MINISTRY OF FINANCE

Number 343

Bogotá, 1 February 1892

Mr.
Minister of Foreign Affairs

We have received in this Ministry your kind note dated on the 13th of January last and numbered 5.382, from the First Section of the Ministry. As a result of that, this Ministry telegraphed immediately to the Governor of Bolívar in order that, in agreement with the Administrator of the Customs Office in Cartagena, a ship is sent to the Prefect of Providencia, so that he can visit often the Cays of Roncador and Quitasueño and preclude the exploitation of guano, a matter on which the Government will take in the near future the measures that may be required in order to affirm and protect our sovereignty over the territory, as well as our fiscal interests.

May God be with you.

For the Minister,

The Under-Secretary

(signed) - illegible

Annex 85

1892 REPORT TO CONGRESS BY THE COLOMBIAN FOREIGN MINISTER

(Anales Diplomáticos y Consulares de Colombia, Volume IV - 1914,
pp. 597-598)

CHAPTER VIII

UNITED STATES OF AMERICA

(…)

II - *Defense of the cays of "Roncador" and "Quitasueño"*

Certain merchants from the United States have arrived at the cays of Roncador and Quitasueño, in the Colombian Archipelago of Providencia, and extracted, without the Government's permission, large quantities of the guano that lies on those islets and that is one of the assets of the Republic. Our Legation at Washington has denounced these facts that violate the territory and defraud the Nation from a source of riches the exploit of which must be attended to as soon as possible.

That the islets are of Colombia's domain, cannot be doubted, since they are part of the Archipelago of Providencia, and although deserted due to the lack of water and vegetation, they receive, as much as they are capable of, the occupation of the inhabitants of the islands, that frequently settle on them for purposes of tortoise fishing. Furthermore, at other times, the Government has signed lease contracts to exploit the guano deposits, thus exercising acts of public domain. The renewal of those contracts and the required provisions for the authorities of Providencia to maintain the national possession over the cays would safeguard our territory and increase public income.

Annex 86

1893 TERMS OF TENDER REGARDING GUANO AND PHOSPHATES EXPLOITATION CONTRACT IN SERRANA

(*Diario Oficia*l N° 9.272, Bogotá, 26 September 1893, p. 1075)

(Note: these terms were published also in the following issues of the Diario Oficial: Nº 9.275, 29 September 1893, p. 1087; N° 9.281, 6 October 1893; N° 9.286, 12 October 1893, p. 1130; N° 9.289, 16 October 1893, p. 1142; N° 9.292, 19 October 1893, p. 1154; N° 9.295, 23 October 1893, p. 1166; N° 9.301, 30 October 1893; N° 9.307, 6 November 1893; N° 9.310, 9 November 1893, p. 1226 and N° 9.321, 22 November 1893, p. 1270).

TENDER regarding guano and phosphates exploitation contract in the islands of Serrana.

Governorship of the Department. - Cartagena, 12 August 1893

Terms

R. R. in his capacity as Governor of the Department of Bolivar, duly authorized by the Ministry of Finance and N.N.[T.N.], in his own name, have agreed as follows:

1.° R.R. grants permission to N.N. for extracting and exploiting guano and lime phosphate from the islands of Serrana located in the Province of Providencia, in the Archipelago of San Andrés, for a period of five years.

2.° Any ship that is to load cargo on the aforementioned islands, shall make a stop in San Andrés, and request a special written permit from the Prefect of the Province of Providencia, to carry out the extraction.

3.° In order for the Prefect to be able to issue such permit it is indispensable: 1° That the ship be surveyed by one or two experts sworn in by him; and 2.° That N.N. (or his representative) deposit in the Municipal Administration of National Finance of San Andrés, fifty cents ($ 0-50 American gold) for each registered ton of two thousand two hundred and forty pounds (2,240 lb).

[T.N.] IN COLOMBIA, THE ACRONYM N.N. STANDS FOR NAME UNKNOWN, SIMILARLY TO THE EXPRESSION “JOHN DOE” USED IN THE UNITED STATES OF AMERICA.

4.° The ships freighting guano or phosphate, in any amount, without having previously obtained the permit from the Prefecture, shall incur by way of fine, to be paid by N.N., in a charge of two pesos ($ 2) American gold, for each ton of capacity.

5.° N.N. shall ensure the compliance of this contract with a mortgage or pledge guaranty of two thousand pesos ($ 2,000) national currency, in favor of the Governorship of the Department.
6.° If the guaranty stated above is not submitted within four months following the approval of the contract, N.N. shall forfeit the sum that, as a bidder, he would have deposited in the Departmental Administration of National finance in this city.

7.° Once the five-year term of the contract has elapsed, the docks, houses, gear and other works that N.N. may have carried out on the islands for purposes relating to the extraction and export, shall remain as belonging to the Republic.

In witness whereof, requiring the approval of the Minister of Finance, three copies are issued, etc., etc.

The award of the tender referring to the contract above shall take place at the Secretariat of Finance of this Governorship, on this next 22 November, from one until four in the afternoon.

The proposals shall be submitted before the first of the aforementioned hours, in a closed envelope, and shall be accompanied by a receipt showing the deposit of one thousand pesos ($1,000) in the Departmental Administration of National finance in this city.

Once the proposals are opened and having heard the verbal bids and counter-bids, if there were any, the contract shall be awarded to the highest bidder.

Proposals referring to more than five years, or those that do not cover the base of fifty cents ($0,50) American gold per ton, shall not be accepted.

For Mr. Governor -The Secretary of Public Security, in charge of the Office of Finance,

Miguel de la Vega.

Annex 87

1894 REPORT TO CONGRESS BY THE COLOMBIAN FOREIGN MINISTER

(*Informe dirigido al Congreso de 1894 por el Ministro de Relaciones Exteriores*, Imprenta de Vapor de Zalamea Hermanos, Bogotá, 1894, pp. XXXIV-XXXV)

CHAPTER VIII.

UNITED STATES OF AMERICA

(…)

V - *Defense of the property of the Cays of "Roncador" and "Quitasueño"*

In your latest sessions you were informed of the actions taken by the Government of the Republic towards the Government of the United States against the abuses of certain traffickers that, without Colombia's permission, extract large quantities of the guano from the islets of *Roncador* and *Quitasueño*, in the Archipelago of Providencia, to sell it in foreign markets. The guano deposits of these cays were at some other time leased by our Government to certain contractors; and if they were to be again offered in a public tender, after studying their probable output, they might provide the Treasury with a somewhat considerable income.

It seems that the guano extractors obtained from the United States license to exploit the islets, by inaccurately claiming them to be *res nullius* due to their not corresponding to the territory of any State; but this statement is absolutely false, since the islets belong to Colombia by virtue of perfect titles of dominion and public and repeated acts of possession. *Roncador* and *Quitasueño* are part of the Archipelago of Providencia, belonging to the Republic, which has since its beginnings been in peaceful possession of that archipelago, that was in turn under Spain's domain; and on the other hand, the inhabitants of the neighboring islands make use of the cays at certain times during the year, travelling to them with the purpose of fishing for tortoiseshell and profiting that part of the territory to the extent possible.

The Chargé d'Affaires of Colombia at Washington has submitted to the Government of the United States, a lengthy and very well explained presentation that leaves no doubt as to the exclusive ownership of the Republic over the islands of *Roncador* and *Quitasueño*. Since the Secretary of State has declared that the permit granted to the guano extractors shall not be valid if Colombia's possession over the cays prior to 1869,

which was when that permit was granted, is shown, it is to be expected that the honorable Government of the United States, in fairness to our rights, shall withdraw the license erroneously granted, and that Colombia may thus use that source of income.

Annex 88

NOTE N° 5,154 FROM THE COLOMBIAN FOREIGN MINISTER TO THE COLOMBIAN LEGATION IN WASHINGTON, 17 JANUARY 1895

(1896 Colombian Foreign Minister's Report to Congress, Volume I, 1896, pp.22-23)

Republic of Colombia.- Ministry of Foreign Affairs.- 1st Section.- Number 5,154.- Bogotá, 17 January 1895

General
D. Julio Rengifo M.
Charge d'affaires ad interim of Colombia
Washington

Pursuant to instructions from his Government, the diplomatic representative of Sweden and Norway in this capital has transmitted to this Ministry a representation by the Captains of the Merchant Navy of Bergen, where the urgent need to build a lighthouse on the Cay of Roncador, Archipelago of San Andrés and San Luis de Providencia is put forward.

For this reason, the Ministry of Finance has requested certain information from the Governorships of Bolívar and Panamá, requesting them further to enquire among captains of the ships sailing those waters whether in case a lighthouse is built they would be willing to cover the corresponding tariffs.

Having received on the 2nd of the current month a note by the Minister of the United States supporting the above mentioned suggestion, made through the Legation of Sweden and Norway, I have deemed it fit to transmit to You, the attached copy of that note, since the step that is thereby taken can be considered as the implicit recognition of Colombia's domain over the Cays of Roncador and Quitasueño, a matter which You have been so adeptly and interestedly treating with that Government, whose reply to the latest presentation on the matter by You is still pending. In any case, this Ministry is of the opinion that the note in question should be added to the background documentation on this matter that that Honorable Legation possesses.

With kind regards I remain, truly yours,

The Under-Secretary, acting Minister,

J.M. URICOECHEA

Annex 89

1896 REPORT TO CONGRESS BY THE COLOMBIAN FOREIGN MINISTER

(*Anales Diplomáticos y Consulares de Colombia, Volume IV*, Bogotá, Imprenta Nacional, 1914)

[p. 701]

In previous reports of this Ministry you have been informed of the actions of our Legation in Washington due to the guano extraction carried out on the Cays of Roncador and Quitasueño by certain traffickers by a license surreptitiously obtained by them from the US Government, that was to grant it pursuant to one of their laws and in the belief that those islets were *res nullius*.

The discussion on this issue with the Department of State can now be well regarded as ended, because although the lengthy presentation by Colombia's Chargé d'Affaires showing our exclusive property over those islands has not been replied to, an incident has taken place thereafter that is the indirect but formal recognition of the Republic's sovereignty on those same territories.

[pp. 718-722]

SECTION TWO
CHAPTER XIII

NICARAGUA

Borders between Colombia and Nicaragua

The longstanding friendship that linked Colombia to the Republic of Nicaragua is not as cordial and friendly today as it was in earlier times.

Recent acts of this Government entitle us to formulate very serious complaints regarding the dominion it has exercised, with an unbelievable forgetfulness of Colombia's rights over the Mosquito Coast and, most particularly, over the Corn Islands.

We have nothing to reproach ourselves with, as whenever that Government has attempted to exercise undue acts of dominion in that region, this Ministry has addressed that of Managua, protesting against any occupation that could undermine the territorial sovereignty of the Republic.

For our part, we have not dismayed in fulfilling this sacred duty, and if today a flag which is not that of Colombia is flown in San Luis de Mangle, it is probably due to an involuntary error on the part of the Nicaraguan Commissary, Isidro Urtecho, who, under Decree of 5 May 1890, declared, on his behalf and before himself, that such land was Nicaragua's land; but our titles there are alive and shining and our right is unsullied.

Colombia has upheld, upholds and will continue to uphold, until the end of time, that the islands of the Archipelago of San Andrés, formed by three groups of islands that spread from the coasts of Central America, facing Nicaragua, to the cay of Serranilla between latitude 15°52 north and longitude 80°20 west of the Greenwich meridian, the first of these groups being formed by the islands of Providencia and Santa Catalina and the cays of Roncador, Quitasueño, Serrana, Serranilla and Bajo Nuevo; the islands of San Andrés and the cays of Albuquerque, Courtown Bank and others of less importance, forming the second; and the islands of San Luis de Mangle, such as Mangle Grande, Mangle Chico and the cays of Las Perlas, as well as the Mosquito Coast forming the third, are its property and belong to it by inheritance, under the *uti possidetis* of 1810.

In defense of its claim, among many other titles, it has argued one that nobody has been able to reject: the Royal Order of 20 November 1803, notified to the Viceroy of Santa Fe on 30 November of the same year, whereby the islands of the archipelago of San Andrés and the Mosquito Coast, from Cape Gracias a Dios, included, towards Chagres, were segregated from the Captaincy General of Guatemala, adding them to the Viceroyalty of Nueva Granada.

In order to establish whether this Royal Order was strictly complied with, it need only be recalled, among other things, that when General Don Pablo Morillo declared the blockade over the coasts of the Nuevo Reino de Granada in 1815, he established Cape Gracias a Dios as the border of these coasts.

Ever since then, the Republic has not ceased to uphold its rights over that zone, as shown by Decrees of 19 April and 22 November 1822 and 5 July 1824, the purpose of which was to maintain the sovereignty of Colombia as formerly known over the Mosquito Coast and to promote its commerce and civilization.

The demarcation of the territorial borders with Central America was one of its first careful actions, as attested to by the General Treaty signed at Bogotá on 15 March 1825 and the Legation sent to Guatemala the following year.

By virtue of this Treaty and the aforesaid Royal Order, the Vice President of Colombia (General Santander) issued that Decree, dated 5 July 1824, by which any enterprise aimed at colonizing any part of that section of the Mosquito Coast, from Cape Gracias a Dios to the Chagres river, was declared to be illegal. This Decree, as José T. Gaibrois states in the brilliant report that is among the documents, and the diplomatic incidents that this matter gave rise to with Great Britain (whose Government did not object at the time to Colombia's titles over the aforesaid Coast), resulted in the issuance by the 1826

Congress of Law 6 of 1 May "declaring that the indigenous peoples of La Goajira, Darien and Mosquitos shall be protected by the Government as the rest of its nationals".

In 1825, our Ministers in England and Central America protested in the most solemn manner against the excavation of a canal across the disputed territory and against a decree regarding the possession of the port of San Juan.

When, under the sponsorship of the King of the Netherlands, Nicaragua was projected to open a canal to connect the Atlantic and Pacific Oceans through the Lake of Nicaragua and the mouths of the San Juan river, General Don Pedro A. Herrán, the incumbent of that Ministry at the time, addressed that of Central America, in a note of 7 January 1839, in which, after recalling the provisions of articles 7, 8 and 9 of the Treaty of 15 March 1825 and the Royal Order of 1803, declared that, if the projected inter-oceanic communication through the mouths of the San Juan river was attempted, the Government of Nueva Granada would oppose, availing itself to that effect of any and all means allowed to it under international law.

Law 13 of 2 June 1843 on the organization and special regime of the territory of Bocas del Toro, in whose jurisdiction the Mosquitos Coast had been included up until Cape Gracias a Dios; the protests that Don Manuel Maria Mosquera, Ministry of Nueva Granada in London, raised to the English Government in 1843 and 1844; the note dated 24 July of the same year addressed by this Ministry (under Don Joaquin Acosta) to General O'Leary, Chargé d'Affaires of His British Majesty; the series of articles that the famous statesman and illustrious republican Don Pedro Fernandez Madrid published in El Día, under the title *Nuestras costas incultas (Our undeveloped coasts)*; Dr. Ancízar's draft in 1848; Don Victoriano de D. Paredes' the published works; the Herrán-Calvo Treaty approved by the 1857 Congress, and the recognition by the Costa Rican Plenipotentiary in Article 2 of the Valenzuela-Castro Treaty, signed in March 1865, are manifest evidence of the care and special effort that the Government and statesmen of Colombia have displayed in safeguarding the rights of the Republic over the territories in question.

It is still necessary to cite the notes which this Ministry addressed to that of Nicaragua on 28 July 1880 (Don Luis Carlos Rico); on 24 April and 10 September 1890 (Don Antonio Roldán), and on 23 May 1894 (Don Marco F. Suárez), all of which protest against any occupation or undue acts of dominion, thus safeguarding the rights of the Republic over the aforesaid territories.

A skeptical habit is observed in the notes that the Managua Foreign Ministry has addressed to ours in reply to some of those cited above, which raises fears of a complete disregard of our rights, as they are written in too evasive a manner, which leads one to consider very serious and painful complications.

The report given by Don Juan C. Ramirez to the Secretary of the Department [Province] of Bolivar, dated 6 December 1892, printed in the Report submitted this year by the same

official to the Governor of that Department, includes, among others, the following extracts:

"The Corn Islands were subject to the Government of Colombia until after 1858 and afterwards, up to 1890, to the indigenous authorities of the Mosquito Coast, which, as is known, belongs to Colombia; but lately, in 1890, the Government of the Republic of Nicaragua has declared, in its own behalf and before itself, that that group belongs to it and has effectively taken over it and established authorities there.

The prominent citizens of these islands (those of Great Corn) addressed a memorial to the Governor of the aforesaid Department, dated 4 September 1895, containing the following: "Last year, in our misfortune and sorrows, we begged the President of the Republic to remember us, Colombian citizens, as may be ascertained by authentic documents, such as documents and deeds relating to plots of land granted by Governor Tomás O'Neille, residing on the Island of San Andrés at that time."

"That many of those living under the protection of the Colombian flag, are still alive today, and are patiently waiting to see the glorious flag of liberty and peace fly once again over their heads."

"That ever since the question of Mosquito and Nicaragua arose, we have been told by the commanders of the English warships that Corn Island is not included in the Managua Treaty and that it belongs to the Republic of Colombia."

"In the knowledge then, due to these facts, that the Republic of Colombia is the legal owner, we now appeal to it for its protection, which we hope will be granted, allowing for the protection of the noble and true Colombian flag over us, our children and our property."

"We hope that that free and generous Government shall tend to our requests, and that any the means necessary are used to rescue us from the hands of those to whom we do not belong. We are Colombian and it is the Colombian flag that we wish for."

In spite of everything, Nicaragua continues to occupy the Corn Islands. Such state of affairs could not continue any longer, other than at the cost of the former and thus far uninterrupted friendship of the two peoples.
(...)

[p. 732]

SECTION THREE
Miscellaneous
(...)

CHAPTER V

NATIONALIZATION OF SHIPS

In the period between 1 July 1894 and 30 June 1896, the following vessels have been nationalized:

At the Postal Administration of San Andrés of Providencia, the schooner Enterprice and the brigantine-schooner Concordia.

Annex 90

CONTRACT FOR THE EXPLOITATION OF GUANO AND OTHER FERTILIZERS IN THE ARCHIPELAGO OF SAN ANDRÉS, APPROVED ON 30 JANUARY 1896

(*Diario Oficial* N° 10.014, Bogotá, 1 May 1896)

MINISTRY OF FINANCE

CONTRACT on guano and other fertilizers exploitation on the cays of "Roncador", "Quitasueño", "Southwest" and others of the Archipelago of San Andrés and San Luis de Providencia

*Number one hundred and thirty-on*e

In the Municipality of Bogotá, Province of Cundinamarca, Republic of Colombia, on 5 February 1896, before me Jorge Gaitan, First Notary Public of this Circuit, and before the material witnesses Messrs. Alejandro Roa and Domingo Torres M., males, of age, residing in this municipality, of good credence and under no impediment, appeared Messrs. Dr. Justiniano Cañón, currently in charge of the Ministry of finance of the Republic, on the one hand, and on the other, Messrs. Rafael Torres Mariño and Jose Rivas Groot, males, of age, residing in this municipality, whom I personally know, in witness of the official character of the former, and said: that to solemnize and enforce, in civil law, they are fulfilling the duty of embodying in a public deed the contract signed on "Exploitation of existing guano and fertilizer deposits on the islands called "Roncador", "Quitasueño", "Sudoeste" and others of the Archipelago of San Andrés and San Luis de Providencia, which is added to the protocol [of the Notary] and the text of which is as follows:

"Contract on exploitation of guano and fertilizers on the islands of "Roncador", "Quitasueño", "Sudoeste" and others of the Archipelago of San Andrés and San Luis de Providencia.

In light of articles 1116 to 1118 of the Tax Code,

The undersigned, to wit: Carlos Uribe, Minister of Finance, on behalf of the national Government, on the one hand, and Rafael Torres Mariño and Jose Rivas Groot, in their own name, on the other, have entered into the following contract:

Article one. Rafael Torres Mariño and Jose Rivas Groot, who shall be referred to as the

Concessionaries, undertake to exploit jointly with the Nation, the existing deposits of guano and fertilizers on the islands called “Roncador”, “Quitasueño”, “Sudoeste” and other adjacent ones that form part of the Archipelago of San Andrés and San Luis de Providencia.

Article two. The aforementioned exploitation shall begin, at the latest, within two years after the date of the public deed that this contract shall be embodied in, pursuant to article 826 of the Civil Code.

Article three. The Concessionaries undertake to submit to the Government, through the Ministry of Finance, and within a year of the date referred to in the previous article, the samples f the fertilizers and guano existing on those islands, and the result of the partial and quantitative analyses thereof, as well as the data regarding the natural conditions of the deposits. Once these provisions have been fulfilled or before the stated term, if the samples are submitted in lesser time, the Government shall proceed to order that the Concessionaries be placed in possession of the aforementioned islands, which shall take place within the 6 following days to the date on which the samples, analyses and data are submitted.

Article four. The Government shall not allow, for the duration of this contract of privilege, any ship or other vessels alien to the Enterprise to carry out fertilizer extraction from the aforementioned cays and, in fact, undertakes, due to fiscal and sovereignty interests, to take any provisions necessary in order to prevent and punish the crime of contraband, considering the indications that the Concessionaries may provide it with to that effect.

Article five. All of the expenses incurred in until the easy extraction and mobilization of fertilizers are obtained, are of the sole responsibility of the Concessionaries. Therefore, they shall not be taken into consideration upon liquidating profits, which shall be represented by what remains after deducting the amount of the working capital and six percent of the fixed assets in which the aforementioned initial expenses are deemed to be included.

Article six. The net profits of the Enterprise shall be divided as follows: fifteen percent for the Nation, and eighty-five percent for the Concessionaries.

Article seven. For the purposes state in the previous article, accounting shall be done by double-entry bookkeeping system, adjusting it to the provisions of the Code of Commerce. Profit liquidation shall be annual, and the Concessionaries undertake to deposit in the Office of Finance designated by the Government, the sums belonging to the Republic, once such liquidation has been examined and approved by the Official Agent named to that effect. Consequently, that Agent shall be entitled to inspect the accounting and make any notations that shall be satisfactorily answered.

Article eight. This contract shall be in force for twenty years as of the date of the regis-

tration of the respective public deed, the costs of which shall be covered by the Concessionaries, within ten days following the executive approval. Upon the expiration of such term, all devices, machines, gear, utensils for extraction, instruments, buildings, vessels, communication roads and, in sum, whatever amounts to the fixed assets of the Enterprise, shall become the Nation's property by lucrative title.

Article nine. In warranty of this national right, the Concessionaries shall make an annual inventory of the stock that represents the fixed assets, the Government Agent's intervention being required for that purpose. A copy of that inventory shall be submitted to the Ministry of Finance.

Article ten. The Concessionaries, as depositories of the aforementioned elements, shall take all the necessary provisions to preserve them and shall be liable for any damage that, being different from the natural wear caused by due use, they may suffer due to their fault or that of their subordinates.

Article eleven. The exploitation of fertilizers being done in conjunction with the Republic, and those being national property, the Enterprise shall not be levied with public taxes of any kind. Persons involved in the works of extracting and transporting fertilizers shall be exempted from military service, except in case of war.

Article twelve. The present contract shall lapse due to the lack of compliance of any of the obligations of the Concessionaries, and particularly in the following cases, except if due to fully proven force majeure:

First. When the exploitation works are suspended for over a continuous year, without just cause; and

Second. When three months have elapsed after the annual liquidation has been verified and approved, without the Concessionaries having deposited the sums corresponding to the Nation, along with the arrears interests at a monthly rate of two percent.

Article thirteen. This contract may not be ceded to any foreign Government. Any cession of rights requires the express authorization of the National Government.

Article fourteen. This contract requires the essential condition of executive approval.

Article fifteen. The privilege of the exploitation that this contract refers to extends also to the cays of Alburquerque, located to the south and forty-five kilometers away from San Andrés.

In witness whereof a single copy is signed destined to be included in the protocol, at Bogotá, on 13 August 1895.

“CARLOS URIBE.- Rafael Torres Mariño. Jose Rivas Groot.

--

Executive Branch.- Bogotá, 30 January 1896.

“Approved.

“M.A. CARO.- The Undersecretary of Finance, in charge of the Ministry, Justiniano Cañon.”

No registration fees are due by virtue of the provisions in article 960 of the Tax Code and according to what is stated in article eleven of the contract transcribed above. This instrument having been read to the interested parties to whom I advised of the formality of registration within the legal term, they approved and signed it with the aforesaid witnesses and along with me, the Notary Public as I attest to. The Concessionaries wee made aware of their obligation of submitting a registered testimony of this instrument to the Ministry of finance.

I certify.

(Signed): Justiniano Cañon.- Jose Rivas Groot - Rafael Torres Mariño. - Witness, Alejandro Roa. - Witness, Domingo Torres M. - The First Notary Public, Jorge Gaitan.

It is a true and second copy of its original to which I refer if necessary, and I issue it in five useful pages destined for the Concessionaries.

Bogotá, 7 February 1896.

The First Notary Pubic, Jorge Gaitan.

Dues with registration $3-80 cents. Article 2624 of the Civil Code.

Gaitan

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Circuit Registration Office.- Bogotá, 7 February 1896.

Registered today in the Duplicate, book number two, page 106, number 34.

The Registrar, Jose Luis Cuevas.

Annex 91

COLOMBIAN LAW 52 OF 1912 ON THE CREATION AND ORGANIZATION OF THE NATIONAL INTENDANCY OF SAN ANDRÉS AND PROVIDENCIA

(*Diario Oficial* N° 14737, 7 November 1912, pp. 947-948)

Law 52 of 1912
(October 26)

On the creation and organization of the National Intendancy of San Andrés and Providencia

The Congress of Colombia

DECREES:

Article 1o. The National Intendancy of San Andrés and Providencia is hereby created, constituted by the Archipelago of the same name.

Article 2o. The administration of the Intendancy will be entrusted to an Intendente who will be appointed and removed by the Executive Branch. The Intendente will depend from the Executive Branch and will have the same functions and powers granted to the Governors, as well as those that the National Government sees fit to entrust to him in the implementing regulations of the present Law.

Article 3. The employees of the Intendancy will be appointed and removed by the Intendente. The employees in the Judicial branch and in the fields of National Finances and Public Education will be appointed by the national bodies concerned.

Article 4. A national tax of fifteen percent (15 %) on the declared price is established for all edible goods for basic consumption imported to the Archipelago. The remainder goods imported will be subject to a tax of twenty-five percent of the declared price (25 %) save for liquors and tobacco (either raw or processed), which will be subject to a tax of fifty percent of the declared price (50 %).

Article 5. The calculation of this tax will be made on the prices showing in the respective invoice, which must be legalized by the Colombian Consul in the port of origin or by that of a friendly nation, if there were no Consulate there.

Article 6. A tax is established of one gold peso ($ 1) over every thousand coconuts

exported from the islands and cays that form the Archipelago.

Paragraph. Ten percent (10 %) of this tax will be destined exclusively to the material improvement of the towns in the Intendancy and its product will be administered by a Board composed by the Intendente, who will preside over it, and three inhabitants, appointed by the Municipality of San Andrés.

Article 7. Apart from those mentioned in the previous articles, the income of the Intendancy will include those of tortoiseshell, turtle fishing and that of other species, as well as those derived from the collection of guano and other products of the Archipelago.
Paragraph. The distribution of this income will be regulated by presidential decrees.

Article 8. The collection of the taxes mentioned in the previous articles will be made by a National Finance Administrator. A customs agency will be established for the surveillance and control of contraband, visits by vessels and related functions. It will be composed by a Chief of Customs, two Privates and four Guards.

Article 9. The emoluments of the employees of the Intendancy will be as follows:

Monthly	
An Intendente	$ 250
A Secretary	$ 100
A Finance Administrator	$ 100
A Chief of Customs	$ 100
An official interpreter	$ 50
A scrivener and porter	$ 45
Two Privates	$ 40 (each)
Four Guards	$ 30 (each)

Paragraph. The Finance Administrator, the Chief of Customs, the Privates and the Guards will also have a supplementary allowance of five percent (5 %) over the monthly product of the taxes on the import of goods and the export of coconuts.

Article 10. The expenses created by the public administration in the islands will be covered with the product of the income of the Intendancy. In case this is not enough, the difference will be covered up with common funds from the National Treasury.
Paragraph. Every excess of income, after deduction of the expenses of the Intendancy, will be used in public works for the islands. Such works must be determined previously by the Board mentioned in the paragraph of Article 6.

Article 11. One of the vessels of the National Government is destined for the communications between the Archipelago and the Continent, including postal service and others.

Article 12. The Nation will maintain twelve scholarships to favor young people born in the islands, to be allotted as follows: four in the University of Bogotá; four in the

University in Medellin and four in the University in Cartagena. The Nation will also maintain three scholarships for girls born in the Archipelago, in the Teaching School of Cartagena.
The allocation of these scholarships will be regulated by the Executive Branch.

Article 13. As soon as the present Law enters into force the Government will make arrangements with the church authorities in order to send a catholic mission to the Intendancy. Said mission may be entrusted with the administration of public schools.
Article 14. The Government is hereby authorized to provide free passage in every ship of the Nation for those families of four or more individuals that would want to establish their domicile in the Archipelago.

Article 15. The Government is likewise authorized to establish, in the most convenient manner, a wireless telegraph station in the Archipelago, in order to secure communication with, at least, Cartagena.

Article 16. The Government is likewise authorized to build a lighthouse on the point of the islands that is indicated by the needs of navigation.

Article 17. The Governorship of Bolívar will be the agency for communications between the National Government and the Intendente and is entitled to intervene in the administration of the Intendancy, in those cases determined by the Government, either when implementing this Law or in subsequent decrees.

Article 18. The necessary appropriations for the implementation of this law will be included in the regular budget.

Article 19. The Government will issue decrees containing regulations for the implementation of the provisions of this Law, which will enter into force on the 1st of January next year.

Given in Bogotá on the 22nd. of October 1912.

The President of the Senate,

ANTONIO JOSE CADAVID

The President of the Chamber of Deputies,

MIGUEL ABADIA MENDEZ

The Secretary of the Senate,
Bernardo Escovar

The Secretary of the Chamber of Deputies,

Jose de la Vega

Executive Branch - Bogotá, 26 October 1912

To be published and executed.

CARLOS E. RESTREPO

The Minister of Government,

Pedro M. Carreño

Annex 92

PRESIDENTIAL DECREE N° 1066 ON ELECTORAL DISTRICTS FOR THE ELECTION OF DEPUTIES TO THE DEPARTMENTAL ASSEMBLIES, 4 DECEMBER 1912

(*Diario Oficial* N° 14763, 4 December 1912, pp. 1212-1214)

DECREE NUMBER 1066 OF 1.912
(4 December 1912)

On the Composition of Electoral Districts for the Election of Deputies to the Departmental Assemblies

THE PRESIDENT OF THE REPUBLIC,
in exercise of his legal powers

(…)

DECREES:

Article 1o. The territory of the Department of Antioquia will be divided in nine Electoral Districts, in the following manner:

(…)

Article 3o. The territory of the Department of Bolivar, whose population is less than 300.000 inhabitants, will be divided in the following Electoral Districts:

*District of Cartagen*a

Formed by the municipalities of Santa Rosa, Villanueva, Santa Catalina, Turbaco, Arjona, San Estanislao, Soplaviento, Mahates, Calamar, Yucal, San Juan Nepomuceno, Guarne, San Onofre, Turbana, San Andrés y Providencia and Cartagena, the latter being its capital. This District, with approximately 48.454 inhabitants, will elect three Deputies.

District of Sincelejo

Distric of Chinu

District of Lorica

District of Mompos

(…)

Article 15.- The election of Deputies to the Departmental Assemblies will be carried out with the system of incomplete vote, according to Article 33 of Law 42 of 1905, in connection with Article 45 of Legislative Act No. 3 of 1910.

Article 16. The population basis mentioned in the present Decree are those resulting from the 1905 Census, in conformity with Article 12 of Law 53 of 1912.

Article 17. The present Decree will enter into force on the date it is issued.

TO BE NOTIFIED AND PUBLISHED.

Given in Bogotá, on 4 December 1912.

(signed)
CARLOS E. RESTREPO

(signed)
The Minister of Government
PEDRO M. CARREÑO

Annex 93

PRESIDENTIAL DECREE N° 1090, 12 DECEMBER 1912

(*Diario Oficial* N° 14775, Bogotá, 21 December 1912)

Ministry of Finance
DECREE NUMBER 1090 OF 1912
(12 December)

Regulating the provisions of Law 52 of the current year, regarding the organization of the National Finance in the Intendancy of San Andrés and Providencia.

The President of the Republic decrees:

…

Article 6. The Intendente of the Territory is authorized to grant by public auction -which shall be effected with the formalities established for the leasing of the national public revenues- the exclusive right to fish for pearls, coral, turtles and tortoiseshell, and to extract guano, sponges and marine weeds on the coasts and in the streams of the territory of the Intendancy, a right reserved to the Nation by Article 7 of the Law hereby regulated. The leases which may be made by virtue of what is laid down in this Article shall be effective for two years. They shall be referred to one or several of the aforesaid objects or materials, at the Intendente's discretion. They shall stipulate the right to export the same materials or objects without tax in favor of the leaseholders, and shall not be effective without the approval of the Committee provided for in Article 6 of the Law hereby regulated.

(…)
Be it published. Issued in Bogotá, on 12 December 1912.

CARLOS E. RESTREPO
The Minister of Finance,
F. RESTREPO PLATA

Annex 94

PRESIDENTIAL DECREE N° 1496, 23 MAY 1913

(Archives of the Ministry of Foreign Affairs of Colombia)

DECREE No. 1496 OF 1913
(23 May)

By virtue of which a Consular Agent is recognized

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA

Having seen the corresponding Consular Letters Patent sent to the Ministry of Foreign Affairs by the Honorable Legation of Germany on the second of the current month,

DECREES :

Single Article- Mr. W. Heideman is hereby recognized in his capacity as Vice-Consul of the German Empire at Cartagena, with jurisdiction over the Department [Province] of Bolívar, the islands of San Andrés and Providencia and Roncador.

To be notified and published.

Given in Bogotá, on the 23rd. May 1913

(signed)

Carlos E. Restrepo

The Minister for Foreign Affairs

Annex 95

NOTE FROM THE COLOMBIAN FOREIGN MINISTER TO THE MINISTER OF PUBLIC WORKS, 2 APRIL 1914

(1914 Report to Congress by the Colombian Foreign Minister, Bogotá, Imprenta Nacional, 1914, pp. 343-344)

Republic of Colombia - Ministry of Foreign Affairs.
Section 1 - Bogotá, 2nd April 1914.

Mister Minister of Public Works - In your Office

I have the honor to refer to your kind communication, dated 6th of this month, marked with number 4000.

The property right of Colombia over the cays of Roncador and the rest of the Archipelago of San Andrés and Providencia is incontrovertible, and it has been proved before the Chancellery of Washington, in a memorable document of our diplomatic history, by the then Chargé d'Affaires of Colombia before the Government of the United States, mister Julio Rengifo (note of January 18th 1893 of the Colombian Legation in Washington to the Department of State).

The Colombian Government since then has never ceased to remind the Governments of England and the United States of its sovereign rights over those cays. Precisely the undersigned had to address the Minister of the Republic in London on February 14th this year the latest of the many letters that have been addressed by the Government of Colombia to safeguard the territorial rights of the Republic over the said cays. This letter followed Mr. Netball's, Intendente of the islands of San Andrés and Providencia, whose text is enclosed with the note of Your Honor that I hereby answer.

The Colombian Legation in London has been lobbying with the English Government to try to end the undue fishing performed mainly by English subjects in the Grand Cayman and Cayman Brak islands, in the said banks and in general in the small islets of the Archipelago.

The appropriate has been instructed to the Colombian Legation in Washington.

Consequently, the diplomatic actions have continued unrelentingly on behalf of our sovereignty in the islets or cays to which this note refers; but the truth is that besides the aforesaid actions the material action that makes our sovereignty effective and puts an end

to the usurpation is each day more necessary, because there will never be diplomatic actions that'll make the Governments of England or the United States exercise themselves at our place the task of defense and protection that corresponds to us.

Having as we have important islands to protect against reiterative threats, it is necessary to purchase a war vessel that will be stationed in the vicinity of those islands and will be a faithful guardian of our sovereignty in them.

Regarding the question Your Honor submits to this Office about the convenience of hiring with private individuals the exploitation of the natural products of the said cays, I allow myself to express very respectfully to Your Honor that in my view it is very convenient to join the private to the public interest in the defense of the home soil, and that contracts of exploitation of the natural products of the mentioned cays celebrated with Colombian citizens in the conditions indicated by law will contribute, with no doubt, to strengthen the exercise of national sovereignty in them.

Your Honor's most faithful servant,

(Signed) FRANCISCO JOSÉ URRUTIA

Annex 96

REPORT TO THE COUNCIL OF MINISTERS ON LEGAL ASPECTS OF GUANO EXPLOITATION CONTRACT IN THE ARCHIPELAGO OF SAN ANDRÉS, 1 FEBRUARY 1915

(*Diario Oficial* N° 15.413, Bogotá, 9 February 1915)

Executive Branch
REPORTS
Rendered to the honorable Council of Ministers

Your Excellency, Mr. President of the Republic, Messrs. Members of the Council of Ministers - At the Palace.

For the third time now, a report by one of its members is submitted to the Council of Ministers, regarding the negotiation commenced since the previous Executive Administration between the Government and Mr. Manuel Uscategui T. on the exploitation of the guano on the islets of the Archipelago of San Andrés and Providencia, called Roncador, Quitasueño, Serranilla and South West Cay. It is no surprise that the matter has been the subject of several reports, given that it concerns an exploitation that, although in other countries is all too well-known since it began since 1840, for us it is a new business and little-known, because up to now the cays where the fertilizer in question exists, had only been profited by certain foreigners, without the authorization or intervention of the Colombian Government.

It is not for me to study in this report, the question of the convenience of establishing the exploitation of guano on the aforementioned locations of the archipelago, since that question is to be held as answered in the affirmative given that, at the Foreign Minister's proposal and as a result of the important study that he carried out on the issue, during the session of 14 December last, a motion recognizing that convenience was approved. Nor do I have to go back to the question of whether it is the Ministry of Public Works or the Ministry of Finance that should be involved in the matter at hand, since in this regard the Council issued its opinion as well, in the sense that the business falls within the competence of the second of the referred-to Ministries, that is, to that of Finance. I must however restrict myself to the legal aspect of the contract, given the circumstance that, in the first report that was submitted on this negotiation to the honorable Council, the Minister of Finance, who at the time was General Pedro Leon Mantilla, raised the question of whether the agreement in question is a leasing contract of national assets. In the current case, this is not a merely speculative question, but of practical implications, since Article

9 of the Tax Code establishes the peremptory rule that the lease of national assets cannot be carried out but in public auction. There lies the interest of the question.

I begin by acknowledging that the doubt expressed by the then Finance Minister is grounded, since the lease contract in many cases does not arise with well-defined characters that allow to clearly distinguish it from other contracts. In the case of the projected guano negotiation, however, I believe that the question posed needs to be resolved in the negative sense, whereby I do nothing but confirm an opinion already expressed by the Minister of Foreign Affairs. Indeed, there is an important difference in that contract that sets it apart from the lease contract: in this contract, the leaseholder acquires the right to enjoy the object and undertakes the obligation to restore it in kind whereas, if the contract for guano exploitation is carried out, the enjoyment of the object and the restitution in kind are incompatible, since the object of the contract is of those that cannot be used without being consumed. The truth is that regarding object or things of this species, there is no room to celebrate a lease contract. That is why article 1974 of the Civil Code says:

"All corporal or incorporeal things that can be used without being consumed are susceptible of being leased".

Nor can it be said that the object of the lease, in the case under study, are the islets or cays where the guano is produced, since that does not appear to have been the intention of the parties. So much so, that in my understanding, the Government could well lease those islets to a person other than Mr. Uscategui, and for a different purpose than that of the exploitation of guano, as long as the enjoyment of the product that the contract entitles him to was not disturbed.

Considerations such as those I have presented, undoubtedly led the Minister of Foreign Affairs to the conclusion that the contract under study is not a lease, and to formulate with notable precision the argument that he states as follows:

"Indeed: ¿What would be what is leased, the islets or the guano? Not the former, because the Government does not grant the Concessionary the right to enjoy in full all the products of those territories, whether discovered or to be discovered; not the guano, which cannot be used without consuming it, nor can it be returned upon the contract's expiration."

The strength of the reasoning that I have just transcribed is beyond doubt. Proof of it is that one of the most illustrious contemporary authors in Law, the Italian Ricci, argues in the same or similar manner upon examining a question that quire resembles the one we now attend to. This author wonders if a quarry or a mine, the products of which are consumed by their exploitation, can be leased. He says the question is difficult and opinions are divided: He quotes the negative opinion of Rome's Tribunal of Cassation, and embracing it, he writes:

"We believe that this reasoning is completely acceptable, because, the object of the lease is considered to be either the mineral that is to be extracted, or the subsoil where the mine is, and in both cases, the object does not lend itself to a lease contract. And indeed, if the object is the mineral, it is consumed and there is no lease, and if it is the subsoil, there is none either, whether because part of it gives in to the leaseholder's profit, or because it is not possible to preserve intact the essence of the object for restitution purposes." (Francisco Ricci, Derecho Civil Teorico y Practico. Tomo XVII, p. 19).

The contract for the exploitation of guano then, lacks the conditions of a lease, but one could wonder whether, given the issues of analogy that coincide between leases and sales (as legal authors point out), the contract we are studying is a sale or not, the object of which would be the guano sold to Mr. Uscategui over a certain number of years. The question is important for purposes of the present report, for the same reason that it is important to know whether the business in question is a lease or not, since the sale of national assets, as well as their lease, must be carried out in public auction.

But it does not seem that the business in question can be categorized as a sale. It does not seem that such was the intention of the parties: Neither the Government appears as seller in the contract, nor has the Concessionary understood to be a buyer. On the other hand, the percentage that the Government claims for itself is a share in the business and as such it is categorized in clause 9 of the contract, without that percentage having been afforded the character of a sale's price. I therefore consider that the agreed convention is one of those contracts that are so frequent in the field of the Law, that have no special denomination and cannot be strictly confined in any of the legal classifications that are generally admitted.

Wherefrom I deduce that it is not included within the contracts that it is mandatory to carry out by public tender according to the Tax Code, while it is effectively within the special authorization in article 110 of the same Code, according to which guano deposits can be exploited by means of contracts with the Government, without further Congress approval, as long as they comply with these requirements: That their term does not exceed thirty years; that the State's benefits are not lower than 15 percent of the gross product of the enterprise, and that upon its expiration, the means of exploitation and transport employed by the entrepreneur shall remain as the Nation's property.

These considerations of a legal nature, along with the motive of high public interest as already stated by the Minister of Foreign Affairs, lead me to issue an opinion in favor of the negotiation agreed upon with Mr. Uscategui, and consequently I end by proposing:

"The Council of Ministers considers that the contract signed between Mr. Minister of Finance and Mr. Manuel Uscategui T., for the exploitation of guano on the cays of Roncador, Quitasueño, Serranilla and South West Cay, can be carried out without legal impediment, and that in such character, the contract should be approved."

Your Commission,

Emilio FERRER

Bogotá, 1 February 1915.

Annex 97

CONTRACT FOR THE EXPLOITATION OF GUANO IN THE ARCHIPELAGO OF SAN ANDRÉS AND RELATED OFFICIAL DOCUMENTS, APPROVED ON 19 MARCH 1915

(*Diario Oficial* N° 15.458, Bogotá, 6 April 1915)

Ministry of Finance

CONTRACT

On the exploitation of guano on the cays of *Roncador, Quitasueño, Serranilla* and *South West Cay*, in the Archipelago of San Andrés and Providencia

Between the undersigned, Daniel J. Reyes, Minister of Finance, duly authorized by the President of the Republic on one hand, and Manuel Uscategui, acting in his own name and on his own behalf, on the other, who shall hereinafter be referred to as the Contractor, in view of the provisions of Article 4, in accordance with article 110 of the Tax Code, have signed the contract contained in the following clauses:

I. The Government grants the Contractor, in accordance with the aforementioned provisions, the right to extract guano found on the cays of *Roncador, Quitasueño, Serranilla* and *South West Cay*, of the jurisdiction of the National Intendancy of San Andrés and Providencia, and undertakes to afford him, within the law's extent, the protection that may be necessary to exercise the rights granted to him by this contract, and to enjoy the guarantee of his interests.

II. The Contractor shall pay the Government up front, in cash, and as the share that corresponds to the Nation in the Enterprise, 15 percent of the gross product of the guano exploitation. For purposes of the stipulation under this clause, the Contractor undertakes to liquidate at the end of every quarter, and with the intervention of the Official Agent that the Government designates, the product of that exploitation.

III. The Contractor undertakes to establish the guano extraction works within a term that shall not exceed two years, as of the date on which this contract is definitively approved.

IV. The term of the present contract shall be of twenty-five years as of the date on which the Contractor begins the guano exploitation, in accordance with the provision of the previous clause.

V. The Contractor shall ensure the compliance of the obligations that he undertakes in this contract, with a personal bond to the Minister of Finance's satisfaction, for four thousand pesos ($4,000) gold, which he will tender within ninety days following the definitive approval of the present contract. It is understood that the warrantor or warrantors shall fulfill the conditions required for such case by article 2376 of the Civil Code, examined by the honorable Council of Ministers.

VI. The present contract may not be ceded in any case to a foreign government, and in case the cession is made in favor of foreign persons or companies, it requires the Government's approval for its validity.

Paragraph. If the cession were made to a national company, prior governmental approval is not required for it to be effective, but in such case the Contractor is under the obligation to notify that the cession has been consummated.

VII. In case the cession is made to a foreign person or company it is understood, naturally, that they accept the provisions of Article 15 of Law 145 of 1888 "on immigration and naturalization", according to which foreigners that enter into contracts in Colombia are subject to the Judges and Courts of the Republic, and have no right to seek diplomatic protection, except in cases of denial of justice. And denial of justice is solely understood to be the event in which the Contractor, or whomever represents his rights, may be deprived of the use of judicial recourse as provided by law in safeguarding the civil rights of persons.

VIII. In case the Government were to agree, during the term of this contract, with any national or foreign entity, or with a company or individual, analogous concessions to those that are the object of this contract, and if such an agreement were to include more favorable obligations or rights for contractors, it is understood that those more favorable third-party rights, concessions or obligations that may be agreed upon in subsequent contracts, shall be considered to be included in this contract ipso facto and without the need of amendments or clarifications, and therefore shall become an integral part of it. The same is stipulated with regard to legal provisions that may subsequently favor the exploitation of guano.

IX. The payment of what the Government is entitled to for its share shall be made in the administration Office that the Government designates, thus undertaking the obligation to inform the Contractor as to which is the designated Office for such purpose.

X. The Government shall impart the necessary orders so that authorities in general, and especially those established or that may be established in the Archipelago of San Andrés and Providencia, shall uphold and enforce this contract. In case the aforementioned authorities were not to heed the Government's orders, the contractor may complain of any faults to the corresponding Ministry that, if the claim was found to be grounded, shall adopt the measures tending to the fulfillment of what is stipulated herein. It is understood, however, that the Contractor undertakes not to submit claims for delays or mishaps that he may find on implementing the exploitation, due to third-party interven-

tion, in any case in which the Government is unable to, under any circumstance, immediately hinder or eliminate such delays or mishaps.

XI. All the elements that the Enterprise holds upon the termination of this contract, such as buildings, machines, transport elements and, in general, all existing elements for the service of the same Enterprise, shall become the Nation's property, since those that can be of the Contractor's particular use, shall always remain under his possession.

XII. This contract may be declared administratively terminated, through the corresponding Ministry, in any of the following events:

a) If after three quarters have lapsed, the Government has not been paid the percentage that it is entitled to for that period, pursuant to what is stipulated in clause 2.
b) If the bond is not tendered in accordance to the provisions of clause 5.
c) If the works are not initiated within the term included in clause 3.
d) If any or several stipulations of the present contract are not complied with.
e) Due to the Contractor's judicially declared bankruptcy.

XIII. It is understood that no declaration of termination shall ensue in case the Contractor, due to *force majeure* or Acts of God, should cease to fulfill the obligations that the present contract imposes upon him.

XIV. This contract, for its validity, requires the approval of the Executive Branch, after a favorable opinion by the honorable Council of Ministers, and to decide whether it is in conformity with the law, it shall be subjected to the consideration of the Council of State. Once these formalities are complied with, it shall be embodied in a public deed.

In witness whereof it is signed, in two copies, at Bogotá, on 22 December 1914.

Daniel J. REYES - Manuel Uscategui T.

--

Council of Ministers - Bogotá, 19 March 1915

In the session of 1 February last, the honorable Council issued a favorable opinion regarding the preceding contract.

The Secretary, Luis Carlos Corral.

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Executive Branch - Bogotá, 19 March 1915

Approved.

JOSE VICENTE CONCHA

The Minister of Finance, Daniel J. Reyes

--

Ministry of Finance - Bogotá, 6 March 1915

Mr. Manuel Uscategui T. being present in this Office, he was notified of the resolution approved on the 1st day of the current month by the Contentious Administrative Court of the Council of State, in which two modifications to the preceding contract are required. Mr. Uscategui expressed that he accepts such modifications, and that consequently agrees with the undersigned Minister, that clauses II and XI of the earlier contract are replaced, respectively, by the following:

"Clause II. The Contractor shall pay at the Administration of National Finance of the Intendancy of San Andrés and Providencia, upfront, in cash and as the share of that Intendancy in the Enterprise, fifteen percent (15 per 100) of the gross product of the guano exploitation, share that shall be destined for the public expenses of the Intendancy. For purposes of the stipulation in this clause, the Contractor undertakes to liquidate, at the end of every quarter and with the intervention of the Official Agent that the Government designates, the product of that exploitation."

"Clause XI. Upon the expiration of this contract, the roads, buildings, railways, trams, aerial cables, machines, devices and, in general, all means of transport and elements for exploitation employed by the Contractor, shall become the State's property."

Mr. Uscategui further agreed that, in order for the amendments inserted above to take effect, they require the Government's approval.

In witness whereof these proceedings are signed.

The Minister, Daniel J. REYES - Manuel Uscategui T.

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Executive Branch - Bogotá, 19 March 1915

Approved.

JOSE VICENTE CONCHA

The Minister of Finance, Daniel J. Reyes

--

Council of State - Contentious Administrative Court - Bogotá, 1 March 1915

On 23 December last, the Minister of Finance and Mr. Manuel Uscategui T. signed a contract whereby the latter is granted the right to extract the guano found on the cays of *Roncador, Quitasueño, Serranilla* and *South West Cay*, within the jurisdiction of the National Intendancy of San Andrés and Providencia.

The contract, duly approved by the Executive Branch with the favorable opinion of the Council of Ministers, was entered into without a public tender, based on the provisions of Article 110 of the Tax Code with regard to Article 4 of the same instrument.

Earlier, the referred-to contract had been signed on 16 September of the same year, between Mr. Uscategui and the Minister of Public Works. It was only upon this contract's consideration that the Council of Ministers decided that it was the Finance Minister to whom the issue belonged and, by virtue of that decision, that Ministry carried it out including amendments adopted by the Council of Ministers and stated in the reports that the Ministers of Treasury and Foreign Affairs rendered on the subject.

The present contract was the object of thorough study in the Council of Ministers, to the extent that there are four reports thereon, each of them important, by Ministers Urrutia, Mantilla, Suarez and Ferrero.

In that study, three main issues were examined in the light of legal provisions, legal doctrine and national interest.

1. Whether the National Government could contract the extraction of guano in the Archipelago of San Andrés and Providencia.
2. If this negotiation belonged to the Minister of Public Works.
3. If in this negotiation the public tender requirement could be omitted.

The second of these questions was resolved by the Council of Ministers in the sense that it was the Minister of Finance who had to sign the contract, and this Court shall not dwell upon it because it is of no great importance to the mission that belongs to the Council of State with regard to the contract. Since the Government is constituted, in each area, by the President and the respective Minister, according to Article 59 of the Constitution, and the former having the sole attribution of distributing affairs between the Ministries in accordance to their affinity, as Article 132 states, it is well understood that this entity is only called upon to examine whether the contracts signed by the Government are un accordance to the provisions of the laws or not.

The question regarding whether it is for the National Government to sign the contracts regarding the exploitation of guano in the Intendancy of San Andrés, arose out of the fact that Law 52 of 1912, in its article 7, includes within the Intendancy's revenues those

resulting from guano collection, and given that article 10 provided that the expenses caused by public administration on the Islands would be covered with the product of the revenues of that entity, and the remainder, if any, with common funds from the National Treasury.

The paragraph of article 7 quoted above states that the regulation and organization of the revenues there shall be carried out through executive decrees. This text and that of article 15 of law 8 of 1909, do not amend article 4 of the Tax Code that, under the letter d), defines as State fiscal assets guano deposits and other fertilizers, discovered or to be discovered in lands that are or have been unused. Thus, those being assets that are the Nation's property, the Executive Branch is entrusted with everything regarding their administration. But since articles 7 and 10 of Law 52 state that the Intendancy's revenues are, among others, those resulting from the collection of guano, one must conclude that although the property of such deposits belongs to the Nation, it is also true that their product belongs to the Intendancy and, for the same reason, the Nation cannot reserve for itself any share whatsoever in the sums that represent the value of those products. In other words: As long as Law 52 of 1912 is in force, the revenues from the guano extracted from the Archipelago of San Andrés and Providencia belong to the Intendancy, as created by that Law. Therefore, clause II of the contract, whereby it is stipulated that the Contractor shall pay the Government, upfront, in cash and as the share corresponding to the Nation in the enterprise, fifteen percent of the gross guano product, must be amended to the effect that that percentage be delivered to the Administrator of National Finance of the Intendancy, for purposes of the expenses of public administration thereof, under the terms of articles 8 and 10 of the aforementioned Law 52 of 1912.

It is also of practical importance to determine whether it is a lease contract or if, on the contrary, it is one of those for which applied law has no legal technical denomination and that so often arise in social relations.

The legal aspect of the contract as to its classification was the object of lengthy reasoning in the reports of the Ministers of State. And the long debate is not without reason, because if on the one hand, Law 25 of 1871 considered the contract as a lease when in article 1 it said that "The Executive Branch shall provide for the lease, in public tender and for a term of five years, of the right to extract guano and collect coconuts from the islets of Albomkeador [sic] [Albuquerque], Roncador and Quitasueño in the territory of San Andrés and San Luis de Providencia", on the other hand, paragraph 1 of article 1974 of the Civil Code reads as follows: "All corporal or incorporeal things that can be used without being consumed are susceptible of being leased, except for those the lease of which is prohibited by law, and strictly personal rights such as those of habitation and use." It can be seen, then, that our written law both in the Law of '71 as well as in the Civil Code, considers incorporeal things as objects of a lease contract. And, what constitutes incorporeal -as the Law itself calls them- things? The issue is clearly determined in articles 664 and 665 of the aforementioned Code. Incorporeal things are property or personal rights, says the first of these provisions, and the second one is expressed as follows: "A property right is that which we hold over a thing without regard to any person.

The rights of dominion, inheritance, profit, use or habitation, active easements, chattel mortgage and mortgage, are property rights. Property actions arise out of these rights."

Property rights, like that of dominion, may be, hence, the object of a lease contract. And since the fact that the Nation has the right over the guano deposits cannot be doubted because article 4 of the Tax Code so provides, it is evident that that right may be leased and that the contract in question is a lease contract. What is hereby leased is not the guano, nor the islets whereon it is found, the Court agrees with the opinions of the Ministers of Foreign Affairs and Public Order. What is leased, what constitutes the object of this contract is the right that the Nation holds, as owner of the deposits to extract the guano, a right that does not disappear for the Nation, a right that may be used without being consumed, and a right that is an incorporeal thing under the terms of the provisions of the Civil Code.

If the opposite were to be admitted, that is, that the Nation cannot lease but that which is susceptible of restitution in kind, one would logically arrive at the conclusion that mines may not be leased either because their products such as salt, coal, etc., cannot be used without being consumed, and therefore, that if it was not convenient for the Nation to administer them directly, they would be left unexploited, or naturally, that their sale is not possible without a special law, as article 12 of the Tax Code provides.

From all of the above, it must not be construed that the contract under study should have been concluded in public tender for it to comply with the legal requirements: In the Court's opinion, it is correctly concluded without that formality, but not because it is not a lease contract, but because it is expressly exempted from the tender.

The essential conditions that must be observed in the conclusion of contracts regarding guano extraction and analogous matters, are restrictively determined in article 110 of the Tax Code. The provision deals with the requirements for the conclusion of the contract and, since among those requirements the tender is not included, that norm intended that such formality would not to be necessary.

The reason for this exception is found perhaps in that the estimate of the annual or monthly royalty would be very difficult for the assets that it deals with, a requirement that must not be done away with in the lease of national assets in general, pursuant to article 9, and that the natural preference that the discoverers must enjoy with regard to any other bidder would disappear if the observance of the tender was mandatory, and thus an injustice would be embodied in the same law.

The wording of clause XI of the contract, where it says that all the elements that the enterprise holds upon the termination of the contract shall become the Nation's property free of charge, lends itself to an interpretation in the sense that if the Contractor were to sell those elements prior to the expiration of the contract's term, the Nation would not be entitled to anything. An interpretation that is further confirmed by the last part of the same clause, since it establishes that those elements that may be of the Contractor's par-

ticular use shall always remain in his possession.

In the Court's opinion, the intention of letter c) of article 110 of the Tax Code is different, in providing that all the means of transport and exploitation elements employed by the entrepreneur belong to the Nation free of charge, thus stating that such things belong to it from the moment they are used there. In such a way that the entrepreneur cannot reserve any of those elements for himself, because it does not appear that they could be for his particular use. Therefore, the clause in question must be replaced literally with the corresponding one in article 110.

In view of the above, the Contentious Administrative Court of the Council of State deems that this contract conforms to the provisions of the law, as long as the amendment just noted and the one stated at the beginning of this ruling are made.

Be it copied, notified and returned.

The President, Prospero Marquez - Jesus Perilla - Luis Felipe Rosales - Adriano Muñoz - Federico Jaramillo C., Secretary.

Annex 98

REPORT BY MR. ANTONIO JOSÉ URIBE TO THE COLOMBIAN FOREIGN AFFAIRS ADVISORY COMMISSION, 5 NOVEMBER 1915

(Archives of the Colombian Foreign Ministry)

REPORT BY MR. ANTONIO JOSÉ URIBE TO THE COLOMBIAN FOREIGN AFFAIRS ADVISORY COMMISSION RELATING TO THE AWARD OF THE 2ND SEPTEMBER 1914 RENDERED BY MR. EDWARD DOUGLAS WHITE, PRESIDENT OF THE SUPREME COURT OF THE UNITED STATES OF AMERICA, ACTING AS ARBITER, IN THE CONTROVERSY ON THE LIMITS BETWEEN COSTA RICA AND PANAMA.

(5 November 1915, Excerpts from page 3, 4, 6)

"The Chief Justice defends his thesis with deductions taken from the long controversy over limits occurred between Colombia and Costa Rica until 1880, year in which the first Arbitration Treaty between the two Republics was signed. However, it is compulsory to affirm this is a forced interpretation, because even if the Culebra river is mentioned several times as a possible limit between the two States, never the Republic of Colombia renounced to sustain its title of possession over that coast up to Cape Gracias a Dios, in accordance with the Royal Order of 1803 and its backgrounds. Furthermore, whichever were the different proposals of direct settlement between the Governments of Bogotá and San Jose, the Pact of 1880, that gave jurisdiction to the arbiter to judge the *litis*, did not circumscribe the Colombian claims to any particular point, but instead to that which was sustained and proved during the trial."
(…)

"The territorial limit the United States of Colombia claim, on the Atlantic side, extends to Cape Gracias a Dios inclusive; and on the other side of the Pacific, up to the mouth of Golfito river in the Dulce Gulf. The territorial limit claimed by the Republic of Costa Rica, on the Atlantic side, extends up to the Island of the Escudo de Veragua, in river Chiriquí, inclusive; and, on the Pacific side, up to the Chiriquí Viejo river, inclusive, to the East of Punta Burica. The arbitral award should be circumscribed to the territory in dispute, that is located within the limits already described, and will not affect in any way the rights that a third party, which has not intervened in the arbitration, may allege as to the title to the territory comprised within the limits indicated."
(…)

"As it may be seen, as to the insular territory, that is, what has mainly caused the vari-

ous reports that I have had the honor to submit to the Foreign Affairs Commission, the Chief Justice's Award respects or does not purport to undermine the award by H.E. the President of the French Republic, that awarded and recognized the Archipelago of San Andrés and Providencia, of which the Islas Mangles are part, as appertaining to Colombia's exclusive sovereignty."

Annex 99

RESOLUTION OF THE MINISTRY OF FINANCE CONCERNING A CONTRACT FOR GUANO EXPLOITATION IN THE ARCHIPELAGO OF SAN ANDRÉS, MAY 1916

(*Diario Oficial* N° 15.811, Bogotá, 6 June 1916, p. 2619)

Ministry of Finance

RESOLUTIONS concerning a guano exploitation contract.

Ministry of Finance - 5th Section - Bogotá, 16 May 1916

Mr. Manuel Uscategui, concessionary to exploit the cays of Roncador, Quitasueño, South West Cay and Serranilla, located in the Archipelago of San Andrés and San Luis de Providencia, requests that the term stated in clause 3 of the contract embodied in public deed No. 546 of 24 March 1915, issued at the 2nd Notary Public's office of the Bogotá Circuit, be declared suspended.

In order to decide, the Ministry acknowledges that the European war has posed and poses an obstacle to garner the capital required for such guano exploitation enterprise.

Therefore, it is resolved:

The two-year term stated in the aforementioned clause, shall begin lapsing from the date on which the Government officially recognizes the reestablishment of peace in Europe.

This resolution is to be subjected to the consideration of the President of the Republic and the Council of Ministers.

Be it notified.

The Minister,

Diego MENDOZA

--

Republic of Colombia - Presidency of the Republic - Secretariat.
Number 351 - Bogotá, 27 May 1916

Mr. Minister of Finance - At your Office

I hereby comply with the duty of informing Y.E. that the honorable council of Ministers, at today's session, considered the report rendered by H.E. the Minister of Agriculture and Trade, with regard to the Resolution issued by your Office, dated on the 16th of the current month, on the occasion of a documented memorial that Mr. Manuel Uscategui T. submitted to that Ministry, whereby he requests the term that was granted to him for the exploitation of the guano deposits on the Archipelago of Dan Andrés and Providencia to be declared suspended. The aforementioned report ends with the following proposal:

"The Resolution of the Minister of Finance, dated 16 May of the current year, whereby it is considered that the two-year term stated for Mr. Manuel Uscategui to initiate the exploitation works of his concession, regarding the guano deposits on the Archipelago of San Andrés and Providencia, shall begin lapsing as of the date on which the Government officially recognizes the reestablishment of peace in Europe, is approved."

The aforementioned proposal having been discussed, it was modified and approved as it appears as follows:

"The Council of Ministers is of the opinion that the Resolution of the Minister of Finance, dated 16 May of the current year, regarding the contract concluded with Mr. Manuel Uscategui on guano exploitation, is equitable."

By virtue of which, I enclose herewith, the documents relating to this matter, in seventeen useful pages, which I submit to that Office.

God save Mr. Minister,

Luis Carlos Corral

Annex 100

RESOLUTION OF THE MINISTRY OF PUBLIC WORKS CONCERNING A CONTRACT FOR GUANO EXPLOITATION IN THE ARCHIPELAGO OF SAN ANDRÉS, 11 DECEMBER 1918

(*Diario Oficial* N° 15.811, Bogotá, 24 December 1918)

Ministry of Public Works

RESOLUTION clarifying the contract concluded with Mr. Manuel Uscategui to exploit guano on the Cays of *Roncador, Serranilla, Quitasueño* and *South West Cay*, of the Archipelago of San Andrés and Providencia..

Ministry of Public Works - 2nd Section - Bogotá, 11 December 1918.

Mr. Manuel Uscategui T. in a memorial dated 25 November last, requests this Office to issue a resolution clarifying the contract to exploit guano on the Cays of Roncador, Serranilla, Quitasueño and South West Cay, of the Archipelago of San Andrés and Providencia, concluded with the National Government and which was published in the Official Journal number 15458 of 6 April 1915, with the purpose of determining, through the corresponding additional clause, whether the Contractor may build facilities for carbon deposits required for land and maritime transports that the company may need for the exploitation of the products under the contract, leaving said facilities as Government properties upon the contract's termination in accordance with article 11.

Certainly, nowhere in the agreement was it stipulated that the Contractor could build facilities destined for storing the coal that should serve as fuel for the maritime and land transports that it may be necessary to employ for the exploitation. However, article 11 provides that upon the contract's termination all the elements that the company holds, such as buildings, machinery, transport elements, etc., destined for the service of the same, must remain as the Nation's property free of charge. Among those buildings -that the Contractor is virtually enabled to construct- facilities needed for the storage of coal required for the exploitation of the contracted guano deposits may well be included. The authorization for those facilities is therefore perfectly included within the stipulations of the contract.

Therefore, it is resolved:

The Contractor is enabled by the terms of the contract, according to the interpretation of

article 11, to build facilities destined for coal deposits that may be required for the maritime and land transports that the may be required by the company for the exploitation of the guano deposits of the Archipelago of San Andrés and Providencia, referred to in the contract dated 19 March 1915, published in the Official Journal number 15458, dated 6 April 1915.

This Resolution shall be subjected to the approval of the Executive Branch. Once obtained, be it communicated, notified and published.

The Minister of Public Instruction, in charge of the Office of Public Works, J. F. INSIGNARES S.

- Executive Branch - Bogotá, 12 December 1918.

Approved - MARCO FIDEL SUAREZ - The Minister Public Instruction, in charge of the Office of Public Works, J. F. INSIGNARES S.

Annex 101

NOTE N° 312-2973 FROM THE COLOMBIAN MINISTER IN WASHINGTON TO THE COLOMBIAN FOREIGN MINISTER, 13 SEPTEMBER 1919

(Archives of the Ministry of Foreign Affairs of Colombia)

LEGATION OF COLOMBIA
Washington, D.C.

312-2973 13 September 1919

Mr. Hernando Holguin y Caro, Minister of Foreign Affairs
Bogotá

Yesterday afternoon, at the closing time of the offices of the Department of State, I received the following telegram from you, dated in that city on the 11th:

[Encrypted text appears as follows]
"Accersios proloquors session anagramma exportation ruduscullum exportation inanitas pampillum obelus rutaceus peripatus deuto orhificos qnxrf fvuuntceen urtqniru klcpnflvhr numerandus asteria inanitas anagramma elenchus clivosus nassa me topa perfabrico orbificos dedolo floreo xanthium obelus accogero angara."

As per your instructions, I spoke today with Mr. Fletcher who is working at the Department of State instead of Mr. Polk, and with Mr. Long, who is acting as chief of the Latin American Division, due to the resignation of its head, Mr. Stabler, and, after certain inquiries, I was informed that there are no news in that Department regarding the matter of my investigation. In order to finalize it, a memorandum was sent to the Secretary of the Navy, who is in charge of the branch of lighthouses. Given the slowness with which questions of this nature are handled here, I believe that we will not get an answer before Tuesday or Wednesday next week.

I have just informed you of the result of this first conversation with the Department of State, by telegram which I now transcribe:

[Encrypted text appears as follows]
"Chlamyss derisor lamium abortion distortios scrutator abortion cursims indigenus numerandus brisa scrutatur prolibare consummo infelicitos dejuvos ancillaries

prolutus ample galbaneus antithesis naxia orbificos rutaceus improbatus amphoralis depolitio abstringo accingo angara frustro.”

Given the importance of the matter, which required an immediate report by this Legation to the Government of Colombia, I believe it is not necessary for me to tell you that aside from the report contained in your telegram, I had had no other news in that regard. We shall regret it if it were to be confirmed, not only due to the lack of respect for our sovereignty that the establishment of the lighthouses implies in the manner that it is said to have occurred, but also because the main problem of the 1914 Treaty being still outstanding, we would be face with the no less serious one of giving an opportunity for this Government to question, as it will likely happen, our rights over the archipelago of San Andrés and Providencia, thus completely opening the doors to Nicaragua’s claims, with all the serious consequences of the nearly defenseless situation that we find ourselves in at those islands and those cays.

I remain your most obedient servant,

C.A. Urueta

Annex 102

NOTE N° 1287 FROM THE GOVERNOR OF SAN ANDRÉS TO THE MINISTER OF GOVERNMENT, 21 SEPTEMBER 1919, AND ENCLOSURE: "US CLAIMS RONCADOR CAY", NEWSPAPER ARTICLE IN LA ESTRELLA DE PANAMÁ, 15 SEPTEMBER 1919

(General Archives of the Nation, Aug. 12 1919 Vol. 812)

National Intendancy of San Andrés and Providencia | 213 | Number 1287

San Andrés, 21 September 1919.

Mr.
Minister of Government
Bogotá

As I had the honor to inform you directly, as well as through the Governor of the Department [Province] of Bolivar, by notes numbers 1205 and 1207 dated 11 and 12 August last, and also in telegrams 123 and 129 of 11 August and 9th of the current month, addressed via Cartagena, to which I have not obtained any reply, the United States Government has built lighthouses on the cays of Roncador, Quitasueño and Serrana, that are now functioning. At first, I imagined that those works had been carried out pursuant to some agreement or concession granted by the National Government, but I have learned today, through the newspaper "La Estrella de Panamá", that such acts were effected by virtue of a Decree issued by the President of the United States, dated June last, whereby he declares Roncador Cay as property of the American Government, and since this is nothing other than a violation of national sovereignty, I rush to inform you thereof, enclosing a clipping of the aforesaid newspaper where the Decree is published, although I suppose that the Government is already aware of it through our Minister at Washington.

In that publication, it is also said that the undersigned denied the permit requested by the Captain of the schooner "Perla Maria", Mr. Sheridan Archbold, to go to Roncador Cay to take some workers embarked in Colón, of the Lighthouse Division of the Canal Zone, sent with the purpose of undertaking works thereon relating to the reparation of the lighthouse, which I did indeed, safeguarding the rights of the Nation.

As you are not unaware of, the same attempt against the national sovereignty on that Cay, was effected by the American Government in 1869, in granting license to the

American citizen J.W. Jennet to exploit the guano existing thereon, but the Colombian Government having claimed its rights in the years between 1890 to 1893, that Government's recognition of the referred-to islet as Colombian property was obtained.

I deem it urgent and most important that you impart the instructions that you deem necessary in this regard, so that I may strictly comply with them.

I also believe it is indispensable for the Government to provide a way to obtain a ship to render its services in this Intendancy, so that surveillance on the cays and the Archipelago in general might be established, as well as to be keep the Government updated on everything that happens here and requires to be speedily communicated.

The same notice contained herein is sent to you by telegram via Cartagena and Cable via Colon, if possible.

I am, your most attentive and assured servant,

(Signed)

[T.N.: Stamp in lower half of page reads as follows:
Government
1st Section
Bogotá, 20 October 1919
Registered under No. 9073 in 2 pages
Sent to Section 1.]

Ministry of Government
20 October 1919
Copy of this note and the enclosed clippings to be sent to the Ministry of Foreign Affairs.
Acknowledge receipt.

For the Minister, the Secretary,
(Signed illegibly)

ARCHIVO GENERAL DE LA NACION, AGOSTO 12 DE 1919. TOMO 812.

PANAMA, R. P., MONDAY, SEPT. 15,

...G ON THE ...

U. S. CLAIMS RONCADOR CAY

President Wilson's Proclamation of June 5, 1919, Establishes Sovereignty Over Noted Reef

Colon, Saturday, Sept. 13.

An interesting situation seems to have arisen over Roncador Cay, a bad reef situated in the western part of the Caribbean Sea. A short time ago Capt. Sheridan Archbold of the sloop Pearl Marie, plying between the port of Colon and San Andres, reported to the Colon office of this paper that the light on Roncador had gone out, which fact he had ascertained in passing by the cay. Accordingly, on his return trip he took with him some employes of the Lighthouse Division of the Panama Canal, and the vessel stopped at San Andres en route. The Intendente of the San Andres archipelago refused to permit the vessel or the lighthouse employes to visit the island and stated afterward that had the vessel gone direct to the cay it would have been fined $1,000.

Last week's issue of the Canal Record contains a proclamation signed by President Wilson establishing American sovereignty over the reef in question. It follows:

By the President of the United States of America, A Proclamation.

Whereas, the Congress of the United States has provided by Act of August 18, 1856 (11 U. S. Statutes at Large, page 119, Secs. 5570 to 5578 U. S. Revised Statutes), that whenever any citizen of the United States, after the passage of the act, discovers a deposit of guano on any island, rock or key, not within the lawful jurisdiction of any other government, and shall take peaceable possession thereof and occupy the same, the island, rock or key may, at the discretion of the President of the United States, be considered as appertaining to the United States.

And whereas, pursuant to the foregoing Act of Congress, Roncador Cay in the western part of the Caribbean Sea is now under the sole and exclusive jurisdiction of the United States, and out of the jurisdiction of any other government

Now, Therefore, I, Woodrow Wilson, President of the United States by virtue of the power in me vested, do hereby declare, proclaim and make known that Roncador Cay in the western part of the Caribbean Sea, be and the same is reserved for lighthouse purposes, such reservation being deemed necessary in the public interest, subject to such legislative

[illegible] possession thereof and occupy the same, the island, rock or key may, at the discretion of the President of the United States, be considered as appertaining to the United States.

And whereas, pursuant to the foregoing Act of Congress, Roncador Cay in the western part of the Caribbean Sea is now under the sole and exclusive jurisdiction of the United States and out of the jurisdiction of any other government [illegible]

Now, Therefore, I, Woodrow Wilson, President of the United States by virtue of the power in me vested, do hereby declare, proclaim, and make known that Roncador Cay, in the western part of the Caribbean Sea, be and the same is reserved for lighthouse purposes, such reservation being deemed necessary in the public interests, subject to such legislative action as the Congress of the United States may take with respect thereto.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done this fifth day of June in the year of our Lord one thousand nine hundred and nineteen, and of the independence of the United States the one hundred and forty-third.

WOODROW WILSON.

By the President:

WILLIAM PHILIPS,
Acting Secretary of State.

It is not known whether the Colombian government has laid claim to sovereignty over the Cay, but from the action of the Intendente at San Andres, it woul[illegible] he was under the im[illegible] the reef was a part [illegible] bian dominion. Whe[illegible] lombian government [illegible] the Intendante of San [illegible] position taken by him [illegible] be seen.

Roncador C[illegible]

Roncador Cay has [illegible] has been the graveya[illegible] ber of ships, among [illegible] nus of which, probabl[illegible] S. S. Kearsarge which [illegible] reef many years ago [illegible] a total wreck. The [illegible] mian poet, James St[illegible] has used the incident [illegible] gems in Panama Patc[illegible] he entitles "On Ronc[illegible]

"No, more the boat[illegible]
shall call
To quarters on her de[illegible]
On Roncador; on Ron[illegible]
She lies a lonely wre[illegible]
No more shall bugler
Nor tuneful taps shall
On Roncador; on Ron[illegible]
In silence ends the d[illegible]

No more shall curious
Be shown her famous
On Roncador; on Ron[illegible]
Her guerdon she had [illegible]
Haul down the flag lef[illegible]
No record let there [illegible]
Of how we lost on Ro[illegible]
Our veteran of the se[illegible]

'Tis better thus to la[illegible]
Our memory of the pa[illegible]
Whose strife had ende[illegible]
Forevermore to last!
Rest on thou brave o[illegible]
rest,
The waves that aroun[illegible]
Shall on the shore of[illegible]
For ages chant thy di[illegible]

history. Two years ago bar silver sold for $1.16 an ounce.

Surprise Coming in Rubber.

United States Rubber Company perfected and is about ready to announce a process for the manufacture of a new cord tire that it is stated, will be the superior of any tire of that kind now on the market. It is understood officials of the company are extremely enthusiastic about the new process and have characterized it as a "world beater." No details are obtainable at present regarding the matter, although it is officially confirmed that the facts as stated with regard to the perfection of the process are true. The tire, it is understood, will come out under the present trade name Royal Cord, employed by the Company, but will be different in design to improve the appearance. Rumors have been going about Wall Street for several weeks that a big move in Rubber was coming, and it is believed that this new tire process may have something to do with it. The Rubber Company has notified the Stock Exchange of the proposed increase in first preferred stock from $70,000,000 to $100,000,000 and the increase in common stock from $40,000,000 to $200,000,000. The stock, according to present plans, is to go on an 8 per cent dividend basis in October, and extra dividends will be paid in 1920 in the discretion of the board.

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Annex 103

ANNUAL REPORT FROM THE *INTENDENTE* OF THE ARCHIPELAGO OF SAN ANDRÉS TO THE MINISTER OF GOVERNMENT, MAY 1919-APRIL 1920

(General Archives of Colombia, 14 April 1920, Vol. 842)

REPORT SUBMITTED BY THE NATIONAL INTENDANT OF THE ARCHIPELAGO OF SAN ANDRÉS AND PRVIDE TO THE MINISTER OF GOVERNMENT

1920

* * * * * * * * * * *

San Andrés, 14 April 1920

Mister
Minister of Government
Bogotá

I have the honor to submit to H.E. the report corresponding to the functioning of the public administration of the Archipelago, in the time comprised between the month of May 1919 and the present date, as follows:

PUBLIC ORDER

During the time I have referred to absolutely nothing has altered the tranquility of the Archipelago, except for what happened in the cays of Roncador, Quitasueño and Serrana, with which I will deal in this report, in a separate chapter.

The islanders express their satisfaction for the way their needs are taken care of and justice is administered.

The beneficial action of the Government that, even though it reaches here with some difficulty, always produces praiseworthy effects, makes the natives every day more addicted to the Motherland and they understand better the advantages that being sheltered by the Colombian flag gives them.

(…)

CAYS OF RONCADOR, QUITASUEÑO AND SERRANA

In the last days of July of last year we were informed that, with employees of the zone of the Panama Canal, lighthouses were being built by the American Government in the cays of Roncador, Quitasueño and Serrana and immediately the Intendancy commissioned Captain William Timothi Newall, of the schooner "Ready-Coll", to go to those cays, practice an inspection and report what was actually there. The said Captain went to the cays, but before he had the time to render the said report, Captain Sheridan Archbold, of the schooner "Perla María" at that moment, arrived to this port, coming from the said cays, and being interrogated by the undersigned informed that it was obvious that those lighthouses had been installed on the indicated points, and in addition to that he recalled that they had an inscription stating they belonged to the Government of the United States. In that state of things I proceeded on the 11 August of last year to tell that Ministry through the note number 1205, a cablegram and a telegram with extraordinary character, all of which I sent with Mister Jesús Alberto Sierra, employee of the Intendancy and commissioned to that end. This was done as fast as was allowed by the sailboats and the difficult communication that has always existed with the Colombian mainland. For greater security, a duplicate of the note as well as of the telegram was sent directly to Cartagena on the schooner "Jessy Nell" that carried the mail at the time and that arrived immediately after the Commissioner via Colón had been sent.

For further clarity, I insert the aforementioned notes:
[Texts of telegrams and notes follow]

(...)

Being incontestable, as it is, that all the referred-to cays are Colombian and form an integral part of this Archipelago, the Government of the Intendancy has continued to exercise acts of dominion over them and to that effect, the Municipal Mayor of Providencia, pursuant to instructions of this Office, issued a Decree deputizing as police the Colombian ship masters and crews that on the authority of this Intendancy's Government go to fish on the cays, so that they may settle there and prevent foreign ships from going there to fish or exercise other types of acts without permission from the Colombian Government. Nevertheless, in accordance with those Captains' reports, sailboats of British nationality have recently been found on the cays, coming from the island of Gran Cayman, fishing for turtles and tortoises. In light of the above, I believe it to be appropriate for the Minister of Foreign Affairs to undertake the actions conducive to the peremptory prohibition for those ships to go fish on the cays, without having the Colombia's Government acquiescence in that regard.

(...)

(signed) Manuel M. Leal

Annex 104

ADDRESS TO CONGRESS BY THE PRESIDENT OF THE REPUBLIC OF COLOMBIA, JULY 1920

(*Diario Oficial* N° 17.245 to 17.247, Bogotá, 24 July 1920)

EXECUTIVE BRANCH

MESSAGE of the President of the Republic of Colombia to the National Congress in the sessions of 1920

Honorable Senators and Representatives:

...

National Intendancies

The purpose of the Intendancies and of the laws that establish and govern them is to provide an adequate administration to settlements or protect those parts of the national territory that cannot be regulated by ordinary laws.

The Intendancy of San Andrés and Providencia is formed by the Archipelago, consisting of the islands of San Andrés, Providencia, Santa Catalina, Islas Mangles [Corn Islands], and numerous other cays more or less removed from the islands. It is imperative to facilitate communication with the Archipelago by means of a ship that shall make it speedy and safe and not delayed and perilous as it currently is. A vessel making a weekly crossing between the Archipelago and Cartagena or Puerto Colombia, would satisfy such need. There is an Intendente at the Archipelago, whom Mayors, Institutors and Judges are dependant from, as well as the members of a catholic mission; there is also a wireless telegraph erected some time ago.

...

Borders and other territorial matters

Dominion over the cay of Roncador, in the Archipelago of Providencia, has been the subject of controversy with the United States since a long time ago, and recently, as you know, it has also been the issue of an executive decree of the Washington Government, that lists this islets within the properties of the American Union, for the purposes of erecting a lighthouse thereon, necessary for the safety of navigation. In any case, our

Legation at Washington, by means of sensible actions, has accomplished this matter to be led in the environment that it had held for many years, that is, one of a friendly discussion, in which the titles that the Republic holds in order to claim ownership over that part of our Archipelago are proven. Although the distance from the cay to the central islands is considerable, it is no reason for the Government's claims to be inane. Instead, they are very solid and grounded in perfect titles of dominion worthy of the highest consideration.

...

Luminous lighthouses and buoys

Three deteriorated buoys have been repaired and a contract has been concluded with a company from the United States in order to place a lighthouse and ten more buoys in the Cartagena bay, two lighthouses on the islands of San Andrés and Providencia, and another in the Santa Marta bay. A contract is being prepared to place a lighthouse in Galerazamba and five buoys in Buenaventura as well.

...

ANNEX 105

TERMS OF TENDER FOR PEARL FISHING IN COLOMBIAN SEAS INCLUDING THE ARCHIPELAGO OF SAN ANDRÉS, 21 APRIL 1924

(*Diario Oficial* N° 19.578, Bogotá, 21 April 1924)

TERMS OF TENDER in which the fishing of pearl exploitation in the seas of the Republic shall take place

The Government, exercising the power granted it by Law 96 of 1922 and for the purposes of Decree number 1315 of 1923 organizing pearl fishing, has decided that, in the same manner as the exploration of the first sector was effected, so shall that of the other three, of the four in which the seas of the Republic are considered to be divided in by article 1 of the aforementioned Decree, to wit:

Second sector- From San Agustin, in the proximity of the Dibulia river, up to the limit with Panama.

Third sector - The Archipelago of San Andrés and Providencia.

Fourth sector- The Colombian waters in the Pacific Ocean.

The exploration shall be carried out under the following conditions:

First. Proposals can be submitted for the exploration of only one sector or of the three, jointly.

Second. The exploration shall be carried out under the orders of a Pearl Fishing Inspector, employee that the Government shall name and who will also have the required surveillance personnel under his command.

Third. The extraction shall begin in June on the day the Minister of Finance states and may not be suspended unless by order of the same Ministry, and in serious cases of public order or due to repeated irregularities attributable to the explorer and his dependants.

Fourth. The exploration of each sector shall only be carried out with sloops provided with scubas, numbering twenty or more, duly equipped.

Fifth. The Fishing Inspector shall divide the corresponding sector in the zones that in his

knowledge and understanding he may see fit to obtain the best result after the definitive fishing.

Sixth. The explorer undertakes to give the Government all of the data and reports he may gather in the exploration regarding the exploited regions, concerning mother-of-pearl as well as other types of fishing and as regards the conditions of the coast, ports, refuges, coves, etc. of the adjacent seas.

Seventh. The expenses of the fishing and exploration are borne by the explorer, except for the remuneration of the divers, cooks, and other employees on each boat or sloop, who shall be remunerated as hereinafter stated.

Eight. The product of the fishing shall be divided as follows: . . . per cent for the State; 25 per cent of the divers, cooks, air compressor operators and other employees on each boat, in proportion to the remunerations agreed between them and the explorer, but ensuring that each diver enjoys the same remuneration as the others in the same labor, and the same applies for the others. The rest is for the explorer.

Ninth. It is also an obligation of the explorer to provide food for the person or persons that the Fishing Inspector places onboard each boat.

The explorer shall timely submit the personnel roll, expressing each boat, and shall indicate the proportion in which the 25 per cent shall be distributed among divers, cooks, air compressor operators, captain and sailors.

Tenth. Upon making the distribution each sloop shall designate a person to receive the share belonging to its men.

Eleventh. The product of the fishing, duly weighed and sealed, shall be stored daily in a bi-locked coffer, one key of which shall be kept by the explorer or his representative, and the other by the Fishing Inspector, in whose custody the coffer shall remain.

Twelfth. On the last day of each month the classification and weighing of the extracted pearls shall take place and, of each kind, as many lots of equal weight as may be necessary shall be formed, in order for the Government to be able to receive in kind, the proportional share that corresponds to its ... per cent.

Thirteenth. Pearls “de vista”, that is, those of one fourth of a karat and above, shall be specially separated and distributed not only on account of their weight but also of their commercial value with regard to their quality, in the proportion stated above. If it were not possible to form the equivalent lots with those pearls, they shall be reserved to be sold in the manner agreed and provided for by the Government, with the purpose of distributing the product of the sale in the established proportion.

The share corresponding to the Revenue shall be delivered by the Fishing Inspector at

the Customs office determined by the Government, along with the distribution minutes and double-checking them with the lots he delivers.

Fourteenth. The risk of the vessels and equipment is borne by the explorer.

Fifteenth. The Fishing Inspector shall determine where the fishing shall begin and the order that is to be followed, and shall dictate the pertinent regulations, control measures and provisions regarding penalties.

Sixteenth. The Inspector shall designate the points in which, as the exploration is carried out, the opening of the conchs shall be done, and may be the same as those where the camp is set up.

Seventeenth. Penalties shall consist in fines and deprivation of the right to fish either temporarily or for the remainder of the duration of the exploration fishing, as well as in the suspension of fishing in extraordinary events.

Such penalties shall be imposed by the Inspector in accordance with the general provisions he dictates to that effect.

Eighteenth. It is absolutely forbidden to extract corals, and the boat or sloop that were to contravene this shall incur in one of the abovementioned penalties.

Nineteenth. If the Inspector were to be persuaded that one or more boats are trying to conceal the results of the exploration or to make them appear inferior to the actual ones or to defraud the interests of the Revenue in the presentation of extracted conchs and pearls, or to reserve the knowledge of discovered banks, he shall cancel the boat's license to be involved in the exploration fishing, without prejudice to the other penalties that may apply, the explorer being under the obligation, if the Inspector so demanded, to discontinue the defrauder's employment.

Twentieth. This contract shall terminate if any applicable causes within those determined by article 41 of the Tax Code occur, and also, in the event the explorer were to breach any of its stipulations, and specifically if an agreement were discovered between the explorer and the divers, cooks or boat crews, in order to somehow defraud the Nation or to adjudicate or divide the 25 per cent corresponding to them, in a different manner than that herein provided for.

The Government reserves the power to declare the contract terminated for any reason of non-compliance.

Twenty-first. For the surveillance of the fishing the Inspector may make use, in addition to the employees directly under him, of the customs houses and other Police Sections stationed on the coast and, in general, of any other employees whose service he deems necessary.

Twenty-second. The expenses that the surveillance and administration of the exploration fishing, and the collection of the share that corresponds to the Revenue demand, shall be provided for by the National Treasury.

Twenty-third. To ensure compliance with this contract, the explorer shall deposit a warranty in the sum of $1,000 legal currency.

The Minister of Finance, Aristobulo ARCHILA

ANNEX 106

PRESIDENTIAL DECREE N° 625 ON PEARL FISHING IN COLOMBIAN SEAS INCLUDING THE ARCHIPELAGO OF SAN ANDRÉS, 22 APRIL 1925

(*Diario Oficial* N° 19.889, Bogotá, 4 May 1925)

MINISTRY OF FINANCE AND PUBLIC CREDIT

DECREE number 625 of 1925 (22 April), regarding pearl fishing in territorial waters of the Republic.

The President of the Republic of Colombia, exercising the power granted to him by Article 1 of Law 96 of 1922, and having seen article 4 of Law 5 of the current year, decrees:

TITLE I
CHAPTER ONE
Division of the territorial waters

Article 1. For purposes of the fishing of pearls in the territorial waters of the Republic, the organization and collection of the corresponding revenue, the territorial waters are divided in four sectors, to wit:

First sector- From Castilletes, border with Venezuela, to the Cape of San Agustin, to the proximity of San Juan de Guias;

Second sector- From the Cape of San Agustin to the border with Panama;

Third sector - The Archipelago of San Andrés and Providencia; and

Fourth sector- The Colombian waters in the Pacific Ocean.

Article 2. Each sector shall be subdivided in as many zones as the Government may determine, in accordance with national interests.

CHAPTER TWO
On the explorations

Article 3. The Government shall organize the explorations of the different sectors to determine the riches in mother-of-pearl, as follows:

By direct administration;
By partial explorations with elements belonging to the Government; or
By contracts, in accordance with the terms of tender that the Government shall make public in due course.

Article 4. The Government shall tend to the explorations by means of the directive and surveillance personnel that it may deem necessary.

CHAPTER THREE
On the exploitation

Article 5. In each fishing sector there shall be an Inspection, as the Government may determine; but it may be provided for the personnel in one Inspection to render its services in another sector.

Article 6. The collection of the product of the pearls' revenue and the payment of its services corresponds to the Customs Administrations that operate within the sectors...

Article 7. The exploitation of pearls in the Republic is subject to the taxes hereinafter listed:...

...

Article 9. Hereafter it is for the Ministry of Finance and Public Credit, by means of Resolutions, to subdivide in zones, the sectors not divided in this Decree, in accordance with Article 2, and to determine with convenient anticipation the sectors and zones open to fishing, to fix the number of fishing units that may be admitted in each zone and the amount of the monthly tax for each unit, depending on the systems employed, scuba, dragnets, etc.

CHAPTER FOUR
Frauds - Jurisdiction and procedure

Article 10. The following acts are considered as frauds to the pearls' revenue:

a) Fishing without the corresponding license;
...

CHAPTER FIVE
Hygiene and sanitation

Article 18. The pearl fishing entrepreneurs are under the obligation to maintain in the camp of the respective zone, a physician and a kit to tend to the workers that may become ill...

TITLE II
CHAPTER I
On the first fishing sector

Article 19...

CHAPTER TWO
On the issuance of licenses

Article 23. The tax on exploitation and that which is levied on the buyers and exporters of pearls, shall be collected by means of licenses that shall be paid in advance and that will be valid for a period of one month. In no case will there be reimbursement for the amount paid for licenses, except in the event of proven Acts of God or force majeure.
...

CHAPTER THREE
On the buyers and exporters of pearls that have not paid fiscal dues

Article 33. A monthly tax of three percent (3 per 100) is established, to be calculated in the manner provided for in article 29, on the sums that the buyers or traders of pearls for which no fiscal dues have been paid declare as destined to the purchase or trade of these.
...

CHAPTER FOUR
On bills

Article 43. The pearls fished by means of equipment, by head divers and those acquired by the buyers and exporters dealt with in the previous chapter, shall be written down according to their weight and classification in the statistical books of the Inspection; and it is forbidden to remove them from the general fishing camp without the bill that the Inspector shall issue in three copies. That bill shall only be valid to transport the pearls from the camp to the Customs house, where they shall be presented for their inspection with two copies of the bill.

[The bill] becomes definitive and covers the pearls therein registered, within the territory of the country, by the drafting of an act, numbered in order, signed by the Customs Administrator, bearing witness to its registration. One of the copies of the bill shall remain in the Customs house for ulterior verifications.

(...)

CHAPTER FIVE
On the free fishing of indigenous head divers

Article 49. Fishing by indigenous head divers shall be free, but will be subjected to the

surveillance of the Inspector, who shall be in charge of opening it and closing it down. This official shall apply the pertinent provisions regulating fishing.
(...)

CHAPTER SIX
General provisions

Article 55. The employees of the Inspection may not intervene directly nor indirectly in the exploitation or trade of pearls. Any violation of this prohibition shall be punished with termination of employment, that shall be imposed by the Inspector, with the approval of the Ministry of Finance and Public Credit.
...

Article 64. Executive Decrees numbers 1315 and 1615 of 1923, and 756 of 1924, are hereby derogated.
...

Be it notified and published.

Done at Bogota, on 22 April 1925.

PEDRO NEL OSPINA - The Minister of Finance and Public Credit,
Jesus M. MARULANDA.

Annex 107

1925 REPORT TO CONGRESS BY THE COLOMBIAN FOREIGN MINISTER

(Bogotá, Imprenta Nacional, 1925, Ch. VI, pp. 111-112).

Fishing in San Andrés and Providencia

From some time ago our Legation in London was trying that the Government of Great Britain instructed its Representatives in the British Antilles with a view that they took the required measures in order to prevent the illegal fishing of Carey turtles, sponges, pearls and other products that schooners departing from the Cayman islands were carrying out off the coasts of the Colombian Archipelago of San Andrés and Providencia.

By the end of 1923 the Ministry of Foreign Affairs requested once again to the Legation in London to take up this matter and the Minister Doctor Cuervo Marquez obtained that, according to what the Foreign Office communicated to him by Note of 17 July of the last year, the Governor of Jamaica notified the fishing ships depending from it "that the fishing of turtles, pearls, corals, sponges or other marine products in the waters of the Republic of Colombia in the Archipelago of San Andrés, or the extraction of guano or phosphates from the islands or cays of that Archipelago, is prohibited, as illegal, except under license granted by the Colombian Government. The Archipelago of San Andrés comprises the islands of San Andrés and Providencia, and the banks and cays named Serrana, Serranilla, Roncador, Bajo Nuevo, Quitasueño, Alburquerque and Courtown."

Annex 108

COLOMBIAN DECREE N° 121 ISSUED BY THE INTENDANCY OF SAN ANDRÉS, 31 DECEMBER 1925

BUDGETARY PROVISION FOR PURPOSES OF COVERING EXPENSES DUE TO CAPTURE OF FOREIGN SHIPS CARRYING OUT ILLEGAL FISHING IN THE ARCHIPELAGO OF SAN ANDRÉS

(General Archives of Colombia, Bogotá, Document Fund: República. Ministerio de Gobierno. Box: Sec. 3a Legalización. Vol. 364, pp. 128-129; 2f)

DECREE NUMBER 121
(31 December)

By which certain transfers are made to the Intendancy's Budget.
The National Intendente of San Andrés and Providencia in exercise of his legal attributions and

CONSIDERING:

1.- That, in safeguard of proper public service and with the aim of correcting the attempt against the Nation's sovereignty that has been perpetrated by foreign sailing ships that are dedicated to tortoiseshell fishing in territorial waters of the Republic, in contravention of Colombian laws in force and against the express prohibition of the Archipelago's authorities, it was necessary to rent the "EKER" steamship with the purpose of transporting the required administrative personnel to the Cay of Quitasueño, in order to capture two vessels that, under the British flag, were on that cay on September last, defrauding the Treasury of the Intendancy by the fishing of tortoiseshell and violating the boundaries of national integrity;

2.- That as a result of the excursion carried out to the Cay of Quitasueño, the British vessels "Edison Bros" and "Testeco" were captured, and the corresponding prosecution is being carried out against them.

3.- That having consulted the Minister of Government with regard to the manner in which to cover the expenses caused by the capture of the aforementioned ships, -expenses that are duly shown by the corresponding contract and that amounts to the sum of $1,250.oo-, that high official replied to that query by radiogram of 10 October last that reads as follows: "Ministry of Government.- Intendente.- San Andrés.- Budget of the Intendancy. If the provision is insufficient, transfer required amount to the corresponding

Article issuing decree that you will subject to Government approval.- (L.S.). RAMON RODRIGUEZ DIAGO".

DECREES:

Single Article.- To cover the expenses caused by the capture of the British ships "Edison Bros" and "Testeco" pursuant to the contract concluded by this Office with Mr. Henry B. Stephens, regarding the rental of the steamship "EKER" for the sum of one thousand two hundred and fifty pesos ($1,250.oo), the following transfers are made in the Budget of Revenues and Expenses of the Intendancy, to Chapter XII Article 5, Various Unforeseen Expenses of the Department of Finance:

From Chapter IV Art. 1. Police of the Intendancy. Personnel
$ 621.oo
From Chapter IV Art. 3. Punishment Facilities. Rations for prisoners.
$ 111.oo
From Chapter VII Art. 1. Finance Administration. Personnel
$ 68.oo
From Chapter VII Art. 2. Finance Administration. Liquor Revenues
$ 333.oo
From Chapter XII Art. 5. Various Expenses
$ 66.oo
From Chapter XII Art. 4. Unforeseen. Department of Government
$ 51.oo

Sum $ 1,250.oo

To be subjected to the approval of the Minister of Government, be it communicated and executed.

Done at San Andrés, on 31 December 1925.

The Intendente,

P.V. FONSECA

For the Secretary General, the Major Official,

F.A. MOYANO

MINISTER OF GOVERNMENT - SECTION 9
Bogota, 9 March 1926
APPROVED
The Minister,

[Signed illegibly]

ANNEX 109

PRESIDENTIAL DECREE N° 755 ON THE REORGANIZATION OF PEARL FISHING IN COLOMBIAN SEAS INCLUDING THE ARCHIPELAGO OF SAN ANDRÉS, 7 MAY 1926

(*Diario Oficial* N° 20.211, Bogotá, 4 June 1926)

MINISTRY OF FINANCE AND PUBLIC CREDIT

DECREE number 755 of 1926 (7 May), whereby pearl fishing in the territorial waters of the Republic is reorganized.

The President of the Republic of Colombia, exercising the power granted to him by Article 1 of Law 96 of 1922, and 17 of Law 83 of 1925, with regard to article 4 of Law 5 of the same year, decrees:

Article 1. For purposes of the fishing of pearls in the territorial waters of the Republic, the organization and collection of the corresponding revenue, the territorial waters are divided in four sectors, to wit:

First sector

From Castilletes, border with Venezuela, to the Cape of San Agustin, to the proximity of San Juan de Guias.

Second sector

From the Cape of San Agustin to the border with Panama.

Third sector

The Archipelago of San Andrés and Providencia; and

Fourth sector

The Colombian waters in the Pacific Ocean.

Article 2. Each sector shall be subdivided in as many zones as the Government may determine, in accordance with national interests.

On the explorations

Article 3. The Government shall organize the explorations of the different sectors to

determine the riches in mother-of-pearl, as follows:

a) By direct administration, with elements acquired by the Nation; or
b) By contracts and in participation with entrepreneurs who supply the fishing equipment, in accordance with the terms fixed by the Ministry of Finance and Public Credit.

On the exploitation

Article 4. In each fishing sector there shall be an Inspection that will operate as the Government may determine; but it may be provided for the personnel in one Inspection to render its services in another sector.

Article 5. The Ministry of Finance and Public Credit shall determine the Customs House or Houses to which the collection of the product of the pearls' revenue and the payment of its services corresponds.

Article 6. The fishing of pearls in the seas of the Republic shall be carried out exclusively by the personnel and elements the Government holds; and only national divers (uncivilized indigenous people) will be permitted to perform the labor, in accordance with the special provisions regulating the fishing carried out by them.

Article 7. Persons wishing to export pearls of those freely caught by uncivilized indigenous divers are under the obligation to pay a monthly tax, in the manner hereinafter determined.

Article 8. The Ministry of Finance and Public Credit shall subdivide the sectors in zones, pursuant to Article 2, and shall determine with convenient anticipation the sectors and zones where fishing must be carried out.

Frauds, jurisdiction and procedure

Article 9. The following acts are considered as frauds to the pearls' revenue:

b) Fishing in violation of the stipulations of article 6 of this Decree;

(...)

Hygiene and sanitation

Article 16. The Government shall organize through the fishing Inspections, the indispensable medical service for each sector, in accordance with climate requirements. Only persons who have undertaken professional studies and bear the diploma that so attests may perform the medical services.

Personnel

Article 17. As of the entry into force of the present Decree, the fishing Inspections in each sector shall have the following personnel with the stated monthly salaries:

One Inspector .....$500..
One Assistant Secretary.....200..
One Statistics Official.....150..
One Physician.....200..
One Chief of Camp.....300..
One Sub-chief of Camp.....120..
Two Corporals of Camp (each).....70..
Twenty Guards (each).....50..
An auditor.....250..

On the buyers and exporters of pearls

Article 42. Any person or entity that buys and exports pearls of those freely caught by uncivilized indigenous persons, is under the obligation to pay a monthly tax, in accordance with the categories hereinafter stated:

First: Comprises transactions carried out for amounts not exceeding $200.
Second: Comprises transactions carried out from $200 until $600 per month.
Third: Comprises transactions between $600 and $1,200 per month.
Fourth: Comprises transactions for amounts over $1,200 and not exceeding $2,500.
Fifth: Comprises buyers that carry out monthly transactions from $2,500 until $5,000; and
Sixth: Comprises buyers or exporters that negotiate with a capital of over $5,000.

Article 43. The value of the monthly license granting the right to trade pearls caught by the indigenous persons, shall be as follows:
First category: From $5 to $10, as deemed fit by the majority of the Board.
Second category: $20.
Third category: $40.
Fourth category: $80.
Fifth category: $100.
Sixth category: $250.

(...)

On bills

Article 54. The pearls acquired by the buyers and exporters shall be written down according to their weight and classification in the statistical books of the Inspection; and

it is forbidden to remove them from the general fishing camp without the bill that the Inspector shall issue in three copies to cover the amounts described therein within the territory of the country. When export is desired, the Fishing Inspector shall notify the Customs Administrator, providing details on the pearls and the name of the person making the request for such purpose, in order for that office to grant the corresponding permit. The bill issued by the inspection does not grant the right to export the pearls.

(...)

General provisions

Article 64. No vessel can embark on fishing for fish without written permit given by the pearl Fishing Inspector.

(...)

Article 70. Until the Government acquires the elements required for the direct exploration and fishing of pearls in the second, third and fourth sectors, the system implemented by Decree numbers 625 of 1925 shall continue to be in force.

Article 71. This Decree shall enter into force as of the date of its promulgation.

Be it copied and published.

Done at Bogota, on 7 May 1926.

PEDRO NEL OSPINA - The Minister of Finance and Public Credit,
Jesus M. MARULANDA.

ANNEX 110

RESOLUTION OF THE MINISTRY OF INDUSTRIES TERMINATING A CONTRACT FOR GUANO EXPLOITATION IN THE ARCHIPELAGO OF SAN ANDRÉS, 16 DECEMBER 1926

(*Diario Oficial* N° 20.384, Bogotá, 30 December 1926, pp. 537-539)

MINISTRY OF INDUSTRIES

RESOLUTION

Ministry of Industries - Legal Administrative Section - National Office of Mines - Bogota, 16 December 1926

Honorable Senators and Representatives:

On 19 March 1915 a contract concluded between the National Government and Mr. Manuel Uscategui T. was formalized, regarding guano exploitation on the Cays of Roncador, Serranilla, Quitasueño and South West Cay, in the Archipelago of San Andrés and Providencia.

In clause 3 of that contract, that was issued in a public deed under number 546 of 24 March 1915, at the 2nd Notary Public's office of Bogota, and published in the Official Journal number 15458 of 6 April 1915, the following provision was made:

"The Contractor undertakes to establish the guano extraction works within a term that shall not exceed two years, as of the date on which this contract is definitively approved."

Now, then: Since the contract was definitively approved, as mentioned, on 19 March 1915, it is evident that the exploitation works had to be initiated before 19 March 1917 at the latest, date on which the two years of the term fixed in the contract lapsed.

However, in a memorial dated 7 May 1916 and addressed to the Ministry of Finance, the Contractor requested the Government to postpone such term, arguing that the European war had not allowed him to garner the capital required to develop the enterprise.

In the alluded memorial, among other things, the Contractor stated the following:

"It is my intention, Mr. Minister, as you shall understand, to request the Government,

through you, to postpone that term. But I do not now wish, as upon signing the contract, to undertake commitments that causes beyond my control could turn impossible to fulfill, and thus formulate my request in a more practical manner, to wit:

"I respectfully request that Ministry to declare as suspended, with the approval of the President of the Republic, following a report of the Council of Ministers, the term fixed by the contract of 25 March (it should have said 19) of the year 1915, regarding the exploitation of the guano of the Cays of Roncador, Quitasueño, South West Cay and Serranilla, of the Archipelago of San Andrés and Providencia, to begin the exploitation works, for as long as the state of war in the European continent lasts; and, consequently, the date of the peace treaty that is concluded, or that of the international act that puts an end to the war and therefore opens the European market, is to be taken as the initial date from which the two years that the contract states are to be counted.

"That the current European war is sufficient cause, is borne out of this consideration alone: The guano exploitation of those islets demands a large capital that it is necessary to try and garner abroad. Thus, the war has made the guano exploitation, and hence the immediate fulfillment of the contract, difficult, if not impossible."

Due to this memorial by the Contractor, Mr. Uscategui, the Minister of Finance issued the Resolution of 16 May 1916, the operative part of which reads as follows:

The two-year term stated in the aforementioned clause, shall begin elapsing from the date on which the Government officially recognizes the reestablishment of peace in Europe.

This resolution is to be subjected to the consideration of the President of the Republic and the Council of Ministers.

Be it notified, the Minister, Diego MENDOZA

That Resolution having been subjected to the study of the Council of Ministers, that body approved the following proposal, dated 27 May 1916:

"The Council of Ministers is of the opinion that the Resolution of the Minister of Finance, dated 16 May of the current year, regarding the contract concluded with Mr. Manuel Uscategui on guano exploitation, is equitable."

However, at the Ministry of Industries where the file regarding this contract is now held, or in the aforementioned file, or in the Resolution whose original lies therein, or in the notes that were sent by the General Secretariat of the Presidency to the Ministry of Finance regarding the issue, or anywhere else, there is no record of the President of the Republic having approved that decision, despite the fact that it was sent with that purpose to the Office of the Head of State, by virtue of having been so provided in the same Resolution in question.

It must be added, to what has been stated up to now, that the Contractor, Mr. Uscategui, in memorial registered with this Office on 22 October of the current year, states that he has not initiated the exploitation works and requests that it be declared that he is still within the term fixed in the contract for the initiation of those works.

The mentioned memorial states, among other things, the following:

"Reasons that have their grounds in the world war have prevented the formation of a Company to take under its charge the exploitation of the guano, that the undersigned cannot embark on without the support of foreign capital, and without sufficiently safeguarding the permanent national interests. I am now in a condition to initiate those preparatory works, in an exploitation that is rational from every standpoint. Therefore, I have addressed the Government, through the Minister of Foreign Affairs, to request the certificate that serves as grounds to the request that I end this memorial with.'

"I enclose herewith my memorial to the Ministry of Foreign Affairs and the opinion of that Ministry's Advisory Commission with regard to the official declaration of the Government of Colombia concerning the reestablishment of peace in Europe. As Mr. Minister can see, the official declaration of this fact has not been made by the Government, as the initial date from which the two-year term to initiate the exploitation would be calculated.'

"This means that I am within the term that was granted to me by the aforementioned contract, given that the terms of the Resolution of the Ministry of Finance are so clear, 'from the date on which the Government officially recognizes the reestablishment of peace in Europe' that it is not possible to disregard that literal sense to consult their spirit, according to elementary hermeneutic rule.

"Due to all of the above, I respectfully request that Ministry to declare, by administrative resolution, that in my capacity as contractor for the exploitation of the guano on the Cays of Roncador, Quitasueño, Serranilla and South West Cay of the Archipelago of San Andrés and Providencia, I am within the term that was granted to me by the contract, to establish the exploitation works."

To complete the recollection of facts that is being done, it is pertinent to transcribe the report approved by the Advisory Commission of the Ministry of Foreign Affairs dated 14 October of the current year, and some of the reasons on which that report is based. It reads:

"Your Sub-commission has no knowledge that the Government of Colombia has officially declared the reestablishment of peace in Europe, nor did it have any reason to make such a declaration with regard to a war that the Republic took no part in. What can be considered as evident is that the formal state of war ceased with the peace Treaty signed at Paris on 28 June 1919, between the allied powers and Germany.

"In light of the above, your Sub-commission proposes the following:

"The Secretary in charge of the Office of Foreign Affairs is to be informed that the Advisory Commission is of the opinion that an authenticated certificate may be issued to Mr. Manuel Uscategui T., to the effect that the Government has not made any official declaration regarding the reestablishment of peace in Europe. However, the state of war ceased, as is evident, with the peace Treaty signed at Paris on 28 June 1919, between the allied powers and Germany."

Having thus narrated the main facts regarding this issue, Mr. Uscategui's request is now decided upon, based on the following considerations:

It has been shown how the Contractor was obligated, by virtue of clause 3 of the contract, to begin the exploitation works prior to 19 March 1917 at the latest, and it has also been shown that the contractor has not complied with that contractual stipulation to date, as is borne out of the express statement of non-compliance made by him in the memorial of October last, statement that is not contradicted by any positive act of exploitation, given that the Government is not aware of such works having been started.

Against this evident conclusion it is futile to argue, as the Contractor does, that the Government had postponed the term of the two years fixed in the contract to initiate the exploitation by means of the Resolution issued by the Ministry of Finance on 16 May 1916, the operative part of which was transcribed above, since that Resolution never had any effect whatsoever, nor could it have had any, for the following reasons:

1. Because according to number 16 of article 120 of the National Constitution, it is for the President of the Republic as the "supreme administrative authority" to "conclude administrative contracts for the rendering of services and the execution of public works in accordance with fiscal laws" and because according to article 31 of the Tax Code "all contracts concluded on behalf of the State require the approval of the President of the Republic with the signature of the corresponding Minister."

2. Because pursuant to article 59 of the Constitution "the President of the Republic and the Ministers, and in each particular matter the President with the Minister of the corresponding sector, constitute the Government."

3. Because the Government being, consequently, the entity that represents the State in the conclusion of all kinds of contracts, it is the Government that can modify them, postpone their terms, extend their terms, suspend them, or declare their compliance or non-compliance.

4. Because no Minister, on his own and to the exclusion of the Head of State, can conclude contracts, or modify those already concluded, or extend or suspend their terms; and

5. Because there is no official record showing that the Resolution that the Contractor relies on was approved by the President of the Republic, as it should have been in compliance with the constitutional and legal provisions that have been quoted, and in light of having been so provided in the very same Resolution of the Ministry of Finance, and the Contractor's request in saying: "I respectfully request that Ministry to declare as suspended, with the approval of the President of the Republic ..." whereby the Contractor himself recognized that any decision that was issued regarding the postponement of the term to initiate the exploitation works would lack legal force if it was not signed by the Head of the Executive Branch.

It is absolutely clear then, that the aforementioned Resolution was left without effect or, in other words, that it did not amount to more than a mere project that never came to legally exist and that, therefore, the original term of two years fixed in the contract was in no way suspended, but continued to elapse until the oft cited 19 March 1917 expired.

From the above, arises the evident conclusion that the contractor was in arrears as of that date as to the contract's compliance. But since he invokes that purported Resolution in order to maintain that the term was suspended and that, even today, seven years after the European war has ended, the two-year term has not begun to elapse, the Ministry now proceeds to examine these contentions of the Contractor, to broaden this study and regardless of the fact that, as stated, it in no way concedes that the referred-to Resolution ever had any legal effects.

The Resolution that has been discussed reads:

"The two-year term stated in the aforementioned clause, shall begin elapsing from the date on which the Government officially recognizes the reestablishment of peace in Europe."

The Contractor holds that the two-year term for the initiation of the exploitation contracts has not begun elapsing, because the Government of Colombia has not officially declared the termination of the European war. This train of thought is unacceptable from every standpoint and its admission would lead to absurdity. Indeed: Assuming, for argument's sake, that that Resolution had ever legally existed, it is clear that it could only be understood in the undisputable sense that its spirit and precedents indicate, that is, that the European war had ended, because it was the abnormality in the European markets the circumstance that, according to what the Contractor stated, had prevented him from attaining in the Old World the capital needed to develop the enterprise.

As shall be recalled, the Contractor stated in May 1916, upon requesting the suspension of the term:

"That the European war is sufficient cause, is borne out of this consideration alone: The guano exploitation of those islets demands a large capital that it is necessary to try and garner abroad. Thus, the war has made the guano exploitation, and hence the immediate

fulfillment of the contract, difficult, if not impossible."

The Minister of Finance, in issuing the Resolution the scope of which is being examined, stated in one of the considerations of the section on motives:

"In order to decide, the Ministry acknowledges that the war is and has been an obstacle to attain the capital necessary for such guano exploitation enterprise."

And the Minister of Agriculture and Trade, upon reporting on the Resolution of the Finance Minister, said:

"The reasons explained by the concessionary may be summarized in that the situation of war in Europe makes the attainment of capital to explore the concession that was granted to him currently impossible, and that it is fair to allow time for that situation to cease before the term within which the exploitation works are to begin starts elapsing."

"The undersigned considers that that situation of war in the European continent effectively constitutes a fortuitous case that should be taken into consideration to extend the term stated in the contract's clause transcribed above."

Therefore, the thought that inspired that Resolution was that of waiting for the European war to end, in order for the Contractor to be able to obtain in Europe the capital that was indispensable to fund the enterprise.

And if that is so, as it seems evident, it is not possible to accept the contractor's contention that the term has not begun elapsing because the Government has not officially declared the termination of the war, despite the fact that it ended since 1919.

This theory would lead to the outrageous absurdity that the Nation would be eternally chained to a contract, with the obligations and responsibilities inherent to it, whereas the Contractor is not under the obligation to ever comply with it, but being able to do so when the complying with it is out of his own volition.

And it is said that such absurdity would be reached because, Colombia not having taken part in the war, there would be no reason, nor could there be any at any time, for the Colombian Government to make an official declaration as to the fact that the European peace has been re-established.

In this regard, it is pertinent to recall again the following opinion of the Advisory Commission of the Ministry of Foreign Affairs:

"Your Sub-commission has no knowledge that the Government of Colombia has officially declared the reestablishment of peace in Europe, nor did it have any reason to make such a declaration with regard to a war that the Republic took no part in. What can be considered as evident, is that the formal state of war ceased with the peace Treaty signed

at Paris on 28 June 1919, between the allied powers and Germany."

Thus, the only rational and fair scope that that Resolution could have, would be that the two-year term fixed in the contract, would start elapsing on the date on which the European war ended, which took place, as is known, on 28 June 1919.

Lastly, in setting the true meaning of the Resolution that is being discussed, it is pertinent not to forget the rules that the Civil Code enshrines as to the interpretation of contracts in its articles 1618 and 1620, that read, respectively:

"The intention of the parties being clearly known, more authority should be given to it than to the literal sense of the words."

"In a clause, the sense that can produce an effect should be favored over that in which it is incapable of producing any effect."

And since the clear intention of the Ministry of Finance in issuing that Resolution, and the Contractor's in requesting it, was that the term would begin elapsing upon the reestablishment of European peace, as has been fully shown; and since the resolution is only capable of producing effects if interpreted as the Ministry has done so, it is mandatory to conclude that the Contractor's claims in the to the effect that the term has not begun to lapse are inadmissible and unfounded.

From what has been said up to this point, it is deduced that the Contractor has not complied with clause 3 of the contract.

Now then: Clause 12 of the same contract stipulated the following:

"This contract may be declared administratively terminated, through the corresponding Ministry, in any of the following events:
... ...

"c) If the works are not initiated within the term included in clause 3."

And since pursuant to Decree number 1704 of 1923 the matter that it concerns is ascribed to this Ministry, it is resolved:

The contract concluded between the Government and Mr. Manuel Uscategui T., dated 19 March 1915, published in the Official Journal number 15458 of 6 April 1915 and issued as a public deed under number 546 of 24 March of the same year, at the 2nd Notary Public's Office of Bogota, is declared terminated.

This Resolution shall be subjected to the approval of the Executive Branch.

Be it copied, published and notified.

Salvador FRANCO

—

Republic of Colombia - Executive Branch - Bogota, 20 December 1926.

Approved - MIGUEL ABADIA MENDEZ - The Minister of Industries,
Salvador FRANCO.

ANNEX 111

CABLE N° 81, FROM THE COLOMBIAN MINISTER IN WASHINGTON TO THE FOREIGN MINISTER, IN REPLY TO THE LATTER'S CABLE N° 28 OF 31 AUGUST 1927, 8 SEPTEMBER 1927

(Archives of the Ministry of Foreign Affairs of Colombia)

Washington, 8th of September 1927

Number 81-

I refer to your [Nº] 28. Yesterday and today I have conferred at the Department of State. Arbitration formula does not carry through since they insist considering scant value [of the] cays makes direct settlement preferable. Formula [of] cession to Nicaragua and transfer by the latter to the United States received coldly because they say Nicaragua has not held rights over the cays. Furthermore it is obvious that it has considerations not to accept it deriving from the current state of its general policy. Another formula that may be successful would be to sign in Managua with the friendly cooperation of the United States which they would accord by the intermediary of their Legation there, a Treaty between Colombia and Nicaragua leaving the Corn Islands, Mosquitia to Nicaragua, San Andrés and Providencia to Colombia and simultaneously to sign between Colombia and the United States regarding the cays a statement or certificate that would read more or less: "United States and Colombia, aiming to regulate the situation of the Cays of Roncador, Quitasueño and Serranilla, over which each of the two Governments claims rightful possession, they agree to keep the current statu-quo between them, that is to say, the United States shall continue to manage the services that they have established there for navigational purposes and Colombian nationals shall continue to enjoy the right of fishing in those cays just as they have been doing until now." If this new procedure were to be accepted by Colombia I could do the task in that sense.

Olaya Herrera

Bogota, 13 September 1927
Lecolombia

ANNEX 112

NOTE N° 530 FROM THE COLOMBIAN MINISTER IN MANAGUA TO THE COLOMBIAN MINISTER IN WASHINGTON, 20 NOVEMBER 1927

(Archives of the Ministry of Foreign Affairs of Colombia)

LEGATION OF COLOMBIA IN CENTRAL AMERICA

Number 530.
Managua 20 November 1927

Mr. Minister:

I received yesterday from Bogotá the following cable:
"Lecolombia.- Managua.-
Doctor Olaya Herrera wishes to know your impressions pending matters. Please transmit them to him.- Foreign Affairs"

I am pleased to fulfill your expectation by informing you about the relevant developments on the territorial matter pending with this Republic and my views on the current status of the said question.

A little before the government of Don Diego Manuel Chamorro came to an end, due to the passing away of this distinguished citizen, and acting upon the instructions I brought from Bogotá, in my second diplomatic mission in Central America, I presented a proposal for direct and friendly settlement, consisting in Colombia relinquishing, in favor of Nicaragua, its rights of dominion over the Mosquito Coast and the Mangle islands, that is, Great Corn Island and Little Corn Island, as well as Nicaragua relinquishing, in favor of Colombia, its alleged rights over the islands of San Andrés, Providencia and Santa Catalina and the other islands, islets and cays that constitute the Archipelago of San Andrés.

This proposal failed to be considered by the government of Mr. Chamorro and was renewed before the government of the Vice-President, Don Bartolomé Martínez and -later on- before the government of President Don Carlos Solórzano. The latter official found it acceptable and he conveyed as much to me in a very firm manner during a personal interview. But his weakness of character, which made him subject to all kinds of influences and innuendos, moved him to reject it in an official note, under the influence of his Foreign Minister, Mr. Andrés Urtecho, who was of a negative opinion.

The political position of the current President of the Republic, Mr. Adolfo Díaz and his influence on the executive branch made him consider the settlement proposal, which he found acceptable, because it was fair and decorous, according to entirely reliable information I gathered.

I appraised of this circumstance to the Colombian Government when I communicated the news that Mr. Díaz had taken over the government of Nicaragua in October last. I now have obtained full confirmation, because since my first meeting with him, when I returned at the end of July last, he expressed his intention to settle the dispute in a friendly manner, making me understand with clarity that such dispute had not and has not any reason of being, because Colombia has always been in possession of the Archipelago. This representation has been reiterated to me in subsequent occasions.

Similar declarations on the commitment to a friendly settlement have been conveyed to me by the Minister of Foreign Affairs.

But since the first moment I was warned, confidentially, that given the dependant state from the United States that Nicaragua finds itself in, they deemed it convenient to consult with the Government of Washington the settlement proposal.

In order to appease public opinion the Government decided to appoint two lawyers, one of them a liberal and the other a conservative, in order that they provide advise to the Ministry in the study and settlement of the matter.

The readiness of President Diaz and the Minister of Foreign Affairs, doctor Cuadra Pasos, with regard to the termination of the dispute in the manner I proposed, as known before and confirmed now, allows one to believe that had it not been for the need to consult with Washington, or if the United States Government had limited to express its consent to the settlement in this form, this will be carried out in due course. But it is clear that, taking into account that relationship of dependence, if the United States Governments indicates a different formula this will be adopted by the Nicaraguan Government.

On 9 August last I received a cable from Bogota transmitting me the summary of your cables to the Ministry of 30 July, 1st and 4th of August last, where you forwarded the suggestion from the United States concerning the division of the disputed territories, including their taking the cays of Roncador, Quitasueño and Serranilla, over which the Government of that Republic claims rights of dominion, and their commitment to recommend to the Government of this Republic the conclusion of a treaty in which Nicaragua recognizes Colombia's ownership over the islands of San Andrés and Providencia.

Subsequently, Bogota sent me copy of the telegraphic correspondence exchanged between the Ministry and yourself, starting on 30 July and up to 16 September and of the minutes of the sessions of the Foreign Affairs Advisory Commission and the Foreign

Affairs Commissions of the Senate and the Chamber of Representatives of 22, 26 and 29 August.

Upon imposing myself of the contents of these documents I sent the following telegram to the Ministry:

"Managua, 30 October 1927.- Foreign Affairs.- Bogota.-

Imposed interesting information territorial question Nicaragua United States STOP According to express representations President Diaz prior to consultation Washington current Government has had undoubted willingness to settle dispute following transaction proposed by me STOP It now will adopt formula indicated from there STOP Allow myself express desire in settlement with US according to formula suggested by doctor Olaya in cable 81 of 8 September STOP As Nicaragua has been claiming dominion over all of the Archipelago I consider treaty must include Nicaragua renouncing alleged rights over San Andrés Providencia Santa Catalina and cays STOP If latter were omitted they would maintain contested nature and it would be irregular for Colombia and US to conclude agreement over them. LECOLOMBIA".

I consider that the express renunciation by Nicaragua, in the treaty with Colombia, of its claims of dominion over the cays of Roncador, Quitasueño and Serranilla [sic], is indispensable, because in the note of the Foreign Ministry of Nicaragua to that of Colombia of 20 March 1917, where it formalized its claim, it requested in clear terms the restitution of the Archipelago of San Andrés and -as you are aware of- this Archipelago is formed by the islands of San Andrés, Providencia, Santa Catalina, Great Corn Island and Little Corn Island, and the cays of Alburquerque, Cowton [Courtown], Roncador, Quitasueño, Serrana, Serranilla, Bajo Nuevo and Morrison. If in this treaty the cays that the United States Government claims were to be excluded, as it is now demanding, they would maintain their contested nature and it would be anomalous that in regard to them Colombia and the United States would conclude any agreement.

With regard to that agreement, the solution that would be better for the moral interests of the Republic would be arbitration and, failing this, due to the United States rejection, the formula suggested by yourself to the Ministry in your telegram number 81 of 8 September last.

Were this formula rejected, I think that perhaps a transaction could be adopted, similar to that used in the Colombian-Nicaraguan dispute.

The United States claims dominion of the cays of Roncador, Quitasueño and Serranilla and Colombia asserts the same rights over them. As the Government of Colombia considers convenient to pay heed to the United States claim, the agreement could consist in Colombia renouncing in favor of the United States of its rights of dominion over two of those cays (or even over only one) and the United States renouncing, in its turn, in favor of Colombia, of the rights it claims over the other and, additionally, granting to the

inhabitants of the islands the right to fish in the territorial waters of those cays. In this way the objection of lack of constitutionality found by the Foreign Affairs Commissions with regard to the cession of the cays to the United States would be sorted out.

It would be highly satisfactory for me if this information and these appreciations would be of any use for you in the intelligent and patriotic work that you are carrying out, in order to finish in the most decorous manner for Colombia the nasty affair that has arisen out of the curious claim of rights of property that the United States makes in our archipelago.

I avail myself of this opportunity to renew to you the assurances of my highest consideration and personal esteem.

(signed)

Manuel Esguerra

Annex 113

ANNUAL ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF COLOMBIA AT THE START OF THE 1928 ORDINARY SESSIONS OF CONGRESS

(Diario Oficial, N° 20.885, Bogotá, 4 September 1928, pp. 553, 560-561)

REPUBLIC OF COLOMBIA
OFFICIAL JOURNAL

Year LXIV - NUMBER 20885

Bogota, Tuesday 4 September 1928

(…)

As a result of the difficult and extended negotiations in which our country had been involved for a long time with the aim of solving in a friendly manner the longstanding territorial dispute with the Republic of Nicaragua, a Treaty between the two sovereign entities was signed through which Colombia recognizes to that Republic sovereignty and full control over the Mosquito Coast, in the portion comprised within cape Gracias a Dios and the river San Juan, as well as over the Mangle islands (big and little) in the Atlantic Ocean (Great Corn Island and Little Corn Island); and the Republic of Nicaragua, for its part, recognizes the sovereignty and full control of Colombia over the islands of San Andrés, Providencia, Santa Catalina and all the other islands, islets and cays that form part of the archipelago of San Andrés. This Treaty was signed in Managua on the 24 March of this year by the Colombian Plenipotentiary, doctor Manuel Esguerra, and the Undersecretary of Foreign Affairs of that Republic, doctor José Bárcenas Meneses, duly authorized to that end, and shall be submitted to you in the appropriate occasion by the Minister of Foreign Affairs, for the constitutional effects.

This negotiation establishes incontestably the sovereignty of Colombia over the Intendancy of San Andrés and Providencia, and ends a situation so anomalous and inconvenient that, when a short time ago was requested the extradition of a Colombian employee who had stolen in San Andrés funds belonging to the Public Treasury and sought asylum in Nicaragua, the Supreme Court of that country denied it, alleging that the offence had been committed in Nicaraguan territory.

The Treaty with Nicaragua does not comprise the Roncador, Quitasueño and Serrana

cays, being their possession in dispute between Colombia and the United States of North-America; and since on the other hand Great Britain has always alleged that those cays are located in open sea and have no owner, the Government of Colombia had to sign an arrangement concluded by exchange of notes between our Legation in Washington and the Department of State, the 4th April this year, and by virtue of which it was decided to preserve the statu quo in the matter, and, in consequence, the Government of Colombia shall abstain form objecting to the maintenance by the United States of the services the latter has established or may establish in those cays to aid navigation, and the Government of the United States shall abstain from objecting the use by the nationals of Colombia of the waters appurtenant to the cays, for fishing purposes.

With these two arrangements, Colombia's situation in the Archipelago of San Andrés is thus defined, and its sovereignty and ownership of the islands [are] explicitly and perpetually recognized.

Annex 114

1928 REPORT TO CONGRESS BY THE COLOMBIAN FOREIGN MINISTER

(*Informe del Ministro de Relaciones Exteriores al Congreso*, Bogotá, Imprenta Nacional 1930, p. 54)

[T.N.: The texts of the Notes of 10 April 1928 from H.E. Enrique Olaya Herrera, Colombian Minister at Washington, and H.E. Frank B. Kellogg, Secretary of State of the United States of America, respectively, are transcribed.]

Since in the Treaty with Nicaragua, that is discussed in the relevant part of this report, the cays were not [considered to be] included, the aforesaid agreement culminates the definition of our situation in the Archipelago, since it 'perpetually' enshrines the right of our nationals to continue to exploit the waters adjacent to them, the only advantage that those reefs [sic] can provide, and avoids any other dispute with regard to property over those cays.

Annex 115

TELEGRAM FROM THE *INTENDENTE* OF SAN ANDRÉS TO THE MINISTERS OF GOVERNMENT AND INDUSTRIES OF COLOMBIA, 26 JULY 1929

(General Archives of Colombia)

I inform you [that] on [the] 26[th of the] current [month] the commission of agronomists Mocco, Toro left for the Roncador, Quitasueño, Serrana Cays [to] study guano deposits STOP Undersigned decided [to] send along engineer Dastan, photographer Philips and intern Robert Hecker [at the] Intendancy's expense [with the] purpose [of] drawing charts [and] bring back [from] visits[,] all of which I deem important even internationally given situation [with the] Nicaragua treaty STOP Commission sent [by] Ministry [of] Industries has been furnished full support here. - Your servant.

Jorge Tadeo Lozano
Intendente

Annex 116

MEMORANDUM FROM THE COLOMBIAN FOREIGN MINISTRY TO THE COLOMBIAN MINISTER IN MANAGUA, IN REPLY TO THE LATTER'S CABLE OF 8 FEBRUARY 1930, 11 FEBRUARY 1930

(Archives of the Ministry of Foreign Affairs of Colombia)

REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN AFFAIRS
LONGITUDES' OFFICE

MEMORANDUM.

Replying to the cable of the Minister of Colombia in Central America dated 8 February 1930.

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To prevent possible mistake eighty-second meridian, it must be quoted and letter enclosed where it is mentioned, adding that in any case the description made by said letter regarding situation islands, cays, rocks, etc. must be respected.

Bogota, 11 February 1930.

Managua, 8 February 1930

Translation: I don't know complete report Senate's Commission because it has not yet been submitted. It ends by requesting the approval of the Treaty with the clarification that the western limit of the archipelago shall be the 82 Greenwich meridian. According to sketch given to me by Longitudes' Office Bogotá all the islands and cays forming the Archipelago are located to the east of that meridian, that is, within the extension over which Nicaragua recognizes Colombia's sovereignty, except for Morrison Cay located very close to the Mosquito coast and Cape Gracias a Dios over the same meridian as the Corn Islands. Treaty, with this explanation that I judge insignificant, is absolutely assured in the course of two weeks.

Lecolombia.

Annex 117

LAW 47 OF 11 APRIL 1931

(*Diario Oficial* N° 21.664, Bogotá, 15 April 1931)

Law 47 of 1931
(April 11)

"By means of which an authorization is granted to the Executive Branch concerning the Archipelago of San Andrés and Providencia and other measures are taken"

The Congress of Colombia

DECREES:

Article 1. The Executive Branch is authorized to proceed, at the earliest possible time, to send to the Archipelago of San Andrés and Providencia a Scientific Commission, in order for it to prepare separate geographical and geological charts of the islands and cays that form that Archipelago and belong to Colombia; and to study its population, its ways of communication and its administrative needs and assets; as well as its current resources and its economic prospects.

Article 2. The above mentioned Commission will be composed by those officials from the Office of Longitudes, dependant from the Ministry of Foreign Affairs, and from the Geological Commission, dependant from the Ministry of Industries that may be required in order to carry out the survey referred to in the previous Article.

Article 3. In order to integrate the above mentioned Scientific Commission, the Executive Branch will be able to make use of the power conferred upon it by Article 4 of Law 133 of 1928. The Government is further authorized to contract all the additional credits which may be required in order to execute the present Law.

(…)

Article 8. This Law will enter into force on the date it is signed by the President.

Given in Bogotá on the 7th of April 1931.

The President of the Senate,

JOSE JOQUIN HERNANDEZ

The President of the Chamber of Deputies,

HERNANDO GUERRERO

The Secretary of the Senate,
Antonio Orduz Espinosa

The Secretary of the Chamber of Deputies,

Fernando Restrepo Briceño

Executive Branch - Bogotá, 11 April 1931

To be published and executed.

ENRIQUE OLAYA HERRERA

The Minister of Government, Carlos E. RESTREPO
The Minister of Foreign Affairs, Raimundo RIVAS
The Minister of Finances and Public Credit, Francisco de P. PEREZ
The Minister of Industries, Francisco Jose CHAUX
The Minister of National Education, Abel CARBONELL

Annex 118

REPORT OF THE COLOMBIAN SENATE'S SPECIAL COMMISSION THAT STUDIED THE MEMORIAL OF MR. ERNESTO RESTREPO GAVIRIA, IN RELATION TO THE CAYS OF RONCADOR AND QUITASUEÑO, 16 NOVEMBER 1934

(General Archives of Colombia)

SENATE OF THE REPUBLIC OF COLOMBIA

REPORT BY THE SPECIAL COMMISSION THAT STUDIED THE MEMORIAL OF Mr. ERNESTO RESTREPO GAVIRIA, IN RELATION TO THE CAYS OF RONCADOR AND QUITASUEÑO

Honorable Senators:

On 6 October of the current year Mr. Ernesto Restrepo Gaviria, Colombian citizen resident in Manizales, addressed the Legislative Chambers with a well-thought memorandum requesting action that induces the Executive branch to claim from the United States the restoration of the cays of Roncador and Quitasueño to our country's sovereignty.

Mr. Gaviria included in his Memorandum a very detailed summary of the historical and legal elements on which our rights over the above mentioned cays rest, as well as the developments on this question up to the year 1891. From then onwards other events and interventions of no less importance have taken place, as it will be seen in the present Report.

We summarize in the following way the critical facts of this matter:

I

Geographically, the cays of Roncador and Quitasueño and la Serrana can and must be considered as an integral part of the Archipelago of San Andrés and Providencia. The latter lands are those which are closer to the islets in question and the natives of our archipelago are those who, since immemorial times, have exercised acts of dominion and possession over them, consisting mainly of turtle and tortoise fishing.

II

The royal Cédulas (provisions) that established, first the Reino de Tierra Firme and then the province of Veraguas (1537); the Cédula that incorporated the province of Veraguas to the Reino de Tierra Firme (1680) and the Cédula that set up the Viceroyalty of New Granada (1739); all assigned the Archipelago of San Andrés and Providencia as belonging to these dominions, according to the limits laid down in those documents and, naturally, the islets, islands and cays that form part of the said archipelago.

III

As a consequence of this allotment, the Viceroys of the New Granada exercised acts of power and administration over the said Archipelago, as it is attested in their reports and by the expeditions sent to San Andrés and Providencia by the successive Governors of Cartagena, who were the officials entrusted with the effective administration of these islands.

IV

The continuity of this dominion by the Viceroyalty of New Granada was only interrupted in years 1792 to 1803, a time when the administration of the Archipelago was entrusted to the General Captaincy of Guatemala. However, by Royal Decrees of 1803 and 1805, issued by the King Carlos IV, the archipelago was made once again part of the Viceroyalty of New Granada.

V

Once the independence from the Viceroyalty was completed and the Republic was instituted, the Archipelago of San Andrés and Providencia, along with all the islands and cays that form part of it, became part of our territory, under the same title than any other of our provinces (departamentos, intendencias or comisarias).

VI

Since 1869 there have been three incidents of limited importance in themselves that have made necessary for us to stress the fact of Colombia's sovereignty over the islets of Roncador, Quitasueño and La Serrana.

VII

The first of these was the discovery in 1869 of deposits of guano in the cays of Roncador and Quitasueño by a Mr. J. W. Jennet, an American citizen, a fact that was reported by the said person to his government. The United States Government, basing itself on a 1856 Act of Congress that authorized it to consider as belonging to that nation any cay or island in which any of its nationals discovered deposits of guano, in so far as the said

island or cay was not under the jurisdiction of any other government, and ignoring -very likely, in good faith- our ancient jurisdiction over Roncador and Quitasueño, granted Mr. Jennet authorization to exploit the said deposits of guano. In addition, in October 1871 an agency of the Department of the Treasury included Roncador and Quitasueño in the official list of guano islands belonging to the United States.
In passing, we would note that the American citizen J.W. Jennet never exploited the guano in our cays or, at least, there is no evidence that he did.

VIII

A period of no less than 20 years appears to have passed without any protest or claim by our governments against the inclusion of those insular possessions in the official list of islands belonging to the American Union. It is likely that no report or news concerning this arbitrary and baseless declaration by the United States ever reached our Ministry of Foreign Affairs.

IX

In the year 1891, on 19 January, our plenipotentiary in Washington, Mr. Julio Rengifo M., addressed the Secretary of State, Mr. James G. Blaine, a well reasoned communication where he wondered how could it be that Mr. J. W. Jennet had been extracting guano from the cays of Roncador and Quitasueño under a written permission issued by the Government of the United States, as if those cays were under its sovereignty and not under that of the Republic of Colombia, to which they belonged since immemorial times. The Secretary of State, Mr. Blaine, replied to our Minister Mr. Rengifo in a note of the same day, expressing him that indeed Mr. Jennet had been licensed by its Government to exploit the deposits of guano of the cays of Roncador and Quitasueño. In the same note he informed Mr. Rengifo about the notification of the guano deposits produced by Mr. Jennet in 1869; about the United States legislation incorporating to its dominion the above mentioned cays; about the inclusion of the same territories in the official list of American possessions, issued by the Department of the Treasury in 1871; and, finally, about the fact that over that period -from 1871 to 1891, i.e. twenty years- there had been no protestation at all with regard to sovereignty of the cays. The Secretary of State Mr. Blaine added also, with the aim of countering Colombia's claim, unreasonable arguments such as the lack of territorial continuity between the cays and the rest of our country and the lack of knowledge on the part of the United States of any previous act of occupation or possession on our part.

X

The Report by the Ministers of Foreign Affairs to the Legislative Chambers corresponding to the year 1932 states about this matter as follows: "the government of the republic made, as it was only to be expected, the required reservations and protestations in several occasions; but notwithstanding that the Government of the United States appeared to acknowledge Colombia's dominion over the cays in two solemn occasions, in 1919

President Wilson issued two proclamations (5 February and 5 July), declaring the cays of Quitasueño and La Serrana, in the first, and that of Roncador, in the second, to be under the ownership of the United States.

XI

These events were connected to the second incident of those mentioned above. That was the shipwreck of a Swedish vessel in the vicinity of the cays of Quitasueño and La Serrana, occurring at the beginning of 1919. Because of this, several protests by different governments were raised concerning the need to install a lighthouse on any of those locations in order to avoid endangering navigation. It has to be presumed that our government did not know or did not pay enough attention to these demands and this provided a pretext for the drastic -and in every aspect unjustified- measures taken by President Wilson in February and July 1919, to which one must add the installation of one or more lighthouses in those islets aimed at avoiding the danger they posed to navigation in those latitudes.

We will not fail to record, even in passim, how strange was this attitude coming from that great Man of State, whose high conceptions in favor of world peace and the rights of the weak constitute a legacy of the purest international morals. To Colombia befell the fate of enduring in its own flesh and body the consequences of error or weakness present, as a necessary compensation, in the noblest of spirits, such as that of President Wilson. Perhaps Mr. Wilson's continuators will be able to pride themselves of repairing this injustice, which could tarnish the memory of one of the greatest men that the country of Washington, Franklin and Lincoln has produced.

XII

The third incident in this process was the imprisonment, by order of our authorities in the Archipelago, of some British fishermen who had devoted their industry to fish in the vicinity of those cays without any permission. This happened in the years subsequent to 1919 and gave rise to a diplomatic dispute between the Ministry of Foreign Affairs and Great Britain, during which the latter advanced the strange thesis that Roncador, Quitasueño and La Serrana were not islets or even cays, but simple reefs and, as such, could not belong to the territorial domain of any nation.

In order to appreciate for what is worth this position by Great Britain it will be enough to recall that some islets or cays where tortoises and other precious species are caught regularly and where large deposits of guano exist cannot be considered as simple breakers with no intrinsic value whatsoever. Besides, it is not impossible that a reef can acquire a certain value in given circumstances, whether as a station for the supplying of oil for navigation or as a place of high military importance. Geologically the rock of Gibraltar or that of Helgoland would not be worthy more than those Colombian cays; nevertheless, neither England nor Germany will never consider excessive the efforts and sacrifices they have had to made in order to retain them under their respective power.

XIII

Later on, as can be read in the report of our Foreign Ministry of 1932, already quoted, our representative to Washington proposed to the United States Government to submit this matter to arbitration. The Department of State replied that the scarce commercial value of those cays was not worthy that mechanism.

XIV

In the year 1928, on 10 April, an exchange of notes took place between our Legation in Washington, then headed by Dr. Enrique Olaya Herrera and the Secretary of State, Mr. Kellogg. In these communications our Legation proposed and the Department of State accepted the following basis for a statu quo concerning the situation of the cays of Serrana, Quitasueño and Roncador: 1o.- On the part of Colombia there will be no objection to the continuing operation of the services that the United States have installed or will install in the above mentioned cays in order to provide aid to navigation.- 2o.- On the part of the United States there will be no objection to Colombian nationals using the waters of those cays for fishing purposes.

The exploitation of guano deposits is not mentioned in those notes and with regard to the question of sovereignty the only mention is in the reasoning section, where it is said that "both governments have claimed rights of sovereignty over said cays". The statu quo established by virtue of these notes is governing at the time of writing.

XV

Subsequently, in 1932, our Legation to Washington, headed then by a fellow Senator, attempted to activate this question in order to promote a solution more comprehensive and more in agreement with justice and tradition, for the statu quo consecrated in the exchange of notes of 1928 left undefined the crucial point of the sovereignty over the cays of Serrana, Roncador and Quitasueño. The matter could have advanced in a satisfactory manner, because the climate to bring it to fruition was propitious, as it could be explained in detail, if the Honorable Senate whishes so, by the undersigned Senator Lozano. But at that moment the conflict with Peru started and for reasons that are easily ascertained all other matters were postponed, particularly those that by their special nature were liable to create friction and differences with friendly nations.

XVI

From this exhaustive narrative and the comments there included, the Honorable Senators may have taken notice that two major circumstances are of note during this process, namely:

First our clear and ancient rights of sovereignty over Roncador, Quitasueño and La Serrana, which are an integral part of the Archipelago of San Andrés and Providencia

and, as such, unquestionably form part of our territory.

Second That it is necessary, legitimate and urgent that we obtain universal recognition of that sovereignty, which has been put into question in a transitory manner due to small incidents with scarce worth in the international plane that cannot create any right or title for a nation other than Colombia.

The current moment appears to be particularly proper to reach a clear and just definition of this question, due to the circumstance, rightly underlined by the author of the memorandum, M. Restrepo Gaviria, that President Franklin Roosevelt has shown a high and courageous spirit of equity in his dealings with international questions where the reputation of his great country could be at stake and has demonstrated so with measures and positions that will enhance his name before History.- Colombia, as a party to a dispute - if we could call it so- with titles as clear as those on the cays, could not be an exception to these norms practiced by Mr. Roosevelt. So that the present time could very well be a big opportunity for our country to reach an equitable and satisfactory settlement of its claim.

XVII

To conclude, we propose: to transmit the memorandum by Mr. Ernesto Restrepo Gaviria and the present report to the Ministry of Foreign Affairs in order that it deals with the matter to which they refer, if it considers it proper.

The Senate trusts that a full vindication of Colombian sovereignty over the cays of Roncador, Quitasueño and La Serrana is achieved soon.

To be copied, along with the closing proposition, for Mr. Ernesto Restrepo Gaviria, who will be commended by the Senate for his patriotic memorandum.

Honorable Senators.-

FABIO LOZANO T. --- MIGUEL JIMENEZ LOPEZ

SENATE OF THE REPUBLC - Secretariat - Bogotá, 14 November 1934

During the session taking place on the above date the preceding report was read and the Senate approved the following proposition.

“Let the consideration of this report be suspended until its authors are present and produce a certified copy of the note and the report referred to by H.S. Vasquez Cobo.

ORDUZ ESPINOSA

SENATE OF THE REPUBLIC - Secretariat.- Bogotá, 16 November 1934.

During the session taking place today the closing proposition of this report was approved, changing only the words “vindication of Colombian sovereignty” for “settlement of the problem”.

To be copied, notified and published.

ENRIQUE VELEZ

Annex 119

EXECUTIVE RESOLUTION N° 90, 1 JUNE 1937

(Diario Oficial N° 23.547, Bogotá, 5 August 1937)

MINISTRY OF FOREIGN AFFAIRS

EXECUTIVE RESOLUTION No. 90 OF 1937
(1 June)

By virtue of which certain foreign consuls are recognized

The President of the Republic of Colombia
by virtue of his legal powers

RESOLVES :

Single Article- Having seen the corresponding Consular Letters Patent, Mr. Felix Tripeloury is hereby recognized as German Consul at Barranquilla, with jurisdiction in the Departamentos of Atlántico, Magdalena and Bolívar; Comisaria of La Guajira; islands of San Andrés, Providencia and Roncador; the part of the Departamento of Antioquia comprised between the Cordillera Occidental and the Rivers Atrato and Arquía, and the part of the Intendencia of Chocó comprised between the Gulf of Urabá, up to Latitude 5° North; and Mr. John J. O'Keefe is recognized as Viceconsul of the United States of America un Buenaventura.

To be notified.

Given in Bogotá, on the 1st. June 1937

ALFONSO LOPEZ

The Minister for Foreign Affairs,

JORGE SOTO DEL CORRAL

Annex 120

REPORT BY AN OFFICIAL OF THE COLOMBIAN MINISTRY OF FOREIGN AFFAIRS REGARDING THE CAYS OF RONCADOR, QUITASUEÑO AND SERRANA IN THE ARCHIPELAGO OF SAN ANDRÉS, 31 AUGUST 1937

(Archives of the Ministry of Foreign Affairs of Colombia, August 1937, pp. 88-122)

Bogota, 31 August 1937

Mr.
Minister of Foreign Affairs
At your Office

I am honored to render to H.E. the report on the expedition to the Cays of Roncador, Quitasueño and Serrana and to the island of Jamaica that your Office ordered to me by Decree No. 988 dated 17 May of the current year.

EXPEDITION.- In the Commission that visited the cays, I had the pleasure of being accompanied by Mr. Lt. Colonel Ananias Tellez, designated by the Joint Chiefs of Staff, and by Lt. Com. Francisco Robinson, designated by the Cartagena Naval Base.

The maritime trip was made in the "Gunship" JUNIN, of the Colombian War Navy, a small coastguard of a little over a hundred tons, commandeered by Lt. John Suarez and with a crew of 26 men between machinists, steersmen, sailors and servicemen.
...

ITINERARY.- We left this city by air on 4 June and boarded the Junín in the morning of the 6th. It sailed from the Naval Base of Cartagena at noon. After 48 hours of a hard journey we arrived at the Island of San Andrés, where we were well cared for by the Intendente. I gathered as much information as I was able to obtain regarding the cays and their scant trade by the islanders, and we tried to rent a schooner to make the exploration of the aforementioned cays more comfortable, as per your Office's instructions, but none was available, so I decided to carry it out in the Junín itself up to where it could be anchored and afterwards on the motorboat that the ship carried. From San Andrés, we went to the Island of Providencia, making that trip in 7 hours during the night of the 10th to the 11th. At Providencia I was barely able to obtain the information regarding the tortoiseshell taken to that island from the cays, and we had to stay there for four days due to certain problems with the crew of the Junín, despite the urgency to continue the journey conveyed by the undersigned, since I was aware that there was a schooner from Jamaica at Serrana.

I shall inform of three issues regarding the Intendancy of San Andrés and Providencia later on, since they refer to matters of interest to the Ministry of Foreign Affairs.

We left Providencia at 6 a.m. on the 15th on a 12° NE course and arrived at Quitasueño at 4 p.m. having travelled the distance of 72 miles in 10 hours. The ship was anchored a mile and a half away from the lighthouse located on the north of the bank and along with Lt. Robinson we went on the motorboat to observe the reefs that form that bank and then to the lighthouse...

As I had already noticed what the banks of Quitasueño were, we left this point on the following morning heading on a 70° SE course, and we travelled the 45 miles to the southern edge of the bank of Serrana in six hours, arriving at noon on the 16th. The ship being anchored at a regular distance, we saw that the schooner "G. Taylor" property of Messrs. Whiteside and Ritch, of which a photograph is enclosed, had also cast anchor close to the same cay. We immediately called the schooner's Captain, Mr. Teofilo Ritch, one of the parties in the company that exploits our cays, onboard the Junín.

I there interrogated Mr. Ritch in the manner I now transcribe as accurately as possible:

Q.- Do you know that these cays are Colombian?
A.- I did not know that.
Q.- Did you also not know that a destroyer of the Colombian Government was here last year?
A.- I was here when that ship came.
Q.- Then you were aware that the cays belong to Colombia, because Lt. Fallon so informed you.
A.- Yes sir, I know the cays belong to Colombia and I have always recognized so, but the Lieutenant did not tell me that I could not fish, or remove the eggs and the guano.
Q.- (I explained what the Olaya Herrera-Kellogg status quo was about, and how Colombian law considers as smugglers those who remove products from its territory without permission and I presented the penalties he would face.)
A.- To this, Mr. Ritch replied that he has been in this business for 20 years and that since 1932, he has been in a fifty-fifty partnership with the Mr. Whiteside, an American citizen. That they had requested permission from their respective Governments (Jamaica and the United States) to exploit the cays and that both had told the that they must respect whatever the Government of Colombia said and abide by its laws; that if there were Colombians there, they were not to obstruct their business, but that, if there weren't any, they could exploit their products without prejudicing any Colombian citizen and that their Governments offered protection in case they should be apprehended. He added, now on a friendly and confidential note, that he was familiar with the correspondence exchanged between Mr. Whiteside and his Government and that, from it all, it was evidenced that the United States recognized Colombian ownership over the cays.
Q.- But we have reports that you have harassed Colombians who come to these cays.
A.- That is not true, because I have never laid an obstacle to the Colombian fishermen,

although all of those who come require my permission.

Q.- I officially notify you that you may not exploit these cays without permission from the Government of Colombia, who would have no problem in granting it to you, as long as you abide by its laws and regulations.

A.- I am very pleased to comply with the laws of Colombia, but since there is no Colombian authority on these cays, there is no one to authenticate my papers, etc. I shall arrive at Kingston in about ten days and shall then address the Consulate of Colombia to request the corresponding permit.

Q.- The Consulate shall receive your request and consult it with the Colombian Government.

Immediately following this conversation, Colonel Tellez, Lt. Robinson and the undersigned, accompanied by Mr. Ritch, took the motorboat and went to the South-west Cay which is the only one of considerable size as we shall see later on, we visited it at length, we walked it on every direction, I took several photographs and asked several questions and information from Mr. Ritch. We were able to appreciate the general shape of the bank and that of the other cays, which coincided with the information gathered in San Andrés. The inspection of the bank was completed in light of the departure for Roncador having been set for the following day.

The schooner left for Roncador at 9 p.m. and the Junín weighed anchor on the following morning and on a 22° SE course we reached Roncador at 12 noon on the 17th.

We likewise visited the small Roncador Cay where we stayed all day and on the following day when we repeated the visit, I took several photograph and requested new information from Mr. Ritch.

At dawn on the 19th we left Roncador and arrived at Kingston bay at midnight on the 20th. The ship anchored there and entered the port on the next morning, facilitated by the authorities in all respects. The Colombian Consul, Mr. Aquiles Arrieta, appeared on the ship in person and from then on, provided us help and collaboration, with utmost interest, both regarding the mission that I was entrusted with, as well as with the various efforts that it was necessary to carry out with regard to the Junín's anomalous situation and the attitude of the crew that I reported on separately. Also, for obtaining fuel, water, parts and food on credit to be paid later by the Cartagena Naval Base, since the funds they were carrying were gone.

Having finished the dealings in Jamaica, we returned to Cartagena aboard the Junín and from that city to this capital, by air.

(...)

THE CAYS

I now go on to describe the three cays the visit of which was ordered to me by your

Office. This description and the sketch maps enclosed herewith, are based on the following: Their general lines are taken from those for large shoals by the Admiralty Charts and the data provided by the "West Indies Pilot", corrected with the reports furnished to me by certain islanders who are very familiar with them and later verified in person by the undersigned in situ. What I say about the cays proper (the portions of firm land above the surface of the sea) is the result of my personal observation alone.

Situation.- The air trip did not allow me to carry engineering devices with which I could have been able to determine a more accurate position of the cays, although this is not necessary for the purpose intended by the Government. However, since we were carrying out a loxodromic (in a straight line) navigation, I was careful to calculate the courses given by the Admiralty Charts and make notes of the distances by means of the log line, which gave me a very close verification of the position of such cays.

QUITASUEÑO.-

(...)

Its coordinates in the northernmost end are: Latitude 14° 29' north and Longitude 81° 08' W of Gr.

(...)

On this base stands the American lighthouse, made up of a pyramidal red tower with a structure of iron staffs, the frame of which is formed by Saint Andrews' crosses [x-shaped beams] and tie beams with tensors joining them to make up the structure holding the lantern (see photograph). The light, some 45 feet (13.7 m.) high, is fuelled by gas, of which there is a reservoir on the base and it sheds an intermittent light in flashes.

On the lower part of the lighthouse there is a metal plate with the following inscription:

"U.S. LIGHTHOUSE SERVICE
All persons are warned not to [sic] this structure or interfere with it in any way. Violators assume all risk and will be prosecuted. By order of the Commissioner of Lighthouses"

This lighthouse and those on the cays of Serrana and Roncador are refueled by the United States Navy every six months, using 500 ton tugboats.

(...)

SERRANA.- The contours of the bank of Serrana, quite dangerous, are irregular and steep in all places, but the western one is not a s dangerous since sounding shall not exceed 10 to 15 fathoms. The bank is approximately 20 miles long on a northeast to southeast direction, by nearly 8 miles wide at the centre. Its southwest end is almost pointed-shaped.
All around, except on the western and south-western sides, there is a solid barrier reef

with three breakers on the edge of the bank. There is a series of teeth-shaped steep breakers near the 100 fathom line, about 5 miles long across the eastern front, over which the sea breaks with such force that these breakers are visible before the cays themselves from 3 or 4 miles away to the east. The most serious danger of this Serrana bank is the steepness of its outer edge since after not finding bottom a ship may run aground at a very short distance.

On the western and south-western sides, over the edge of the bank, there are numerous coralliferous spikes with just few feet of water over them. The central bank is filled with pronounced and steep shallows that are 5 to 10 fathoms deep and where only small vessels may anchor.

The North Cay (Latitude 14° 28' N and Longitude 80° 17' W of Gr.) located at the northwestern end of the reef, is about 270 meters long by about 135 meters wide. It is formed by broken corals, sand, shells and driftwood piled atop the reef by the waves' violent action and the tide, to a height of 4 to 5 feet. Some 400 meters off the western side of the cay, there are depths of 12 fathoms but no safe place for anchorage is found due to the heavy tide running around the cay.

From that cay, the reef spreads out 3 miles to the southwest and it surfaces only with the north winds or the strong breezes from the trade winds.

The rocks of the northwest, located about half a mile within the western edge of the bank, and nearly halfway between the north and southwest cays, are two patches of rock and sand, separated by a vacuum of a mile and nearly 2 feet high, over which the sea breaks in stormy weather.

The bank between the southwest cay and the north cay is unfit for navigation by any sort of ship, except for the small boats destined to fishing.

South Cay and channel. Nearly halfway on the south side of the Serrana bank, there is an opening in the reef, that has an area of about one kilometer on an east to west line, whereas the other side, the one facing the opening, has nearly 1300 meters to the north.

A narrow cay, the westernmost one, is a narrow band of broken coral about one kilometer long.

South Cay and Small Cay are smaller and are formed by sand covered with pastures, none of them over 3 feet high...

In the channel of South Cay, the depths are from 7 to 5 fathoms near the narrow cay and up to 300 meters away from the South Cay; and with 4 to 5 fathoms one can navigate to the east within the reef, avoiding the dark and shallow patches of coral. In that channel, to the northwest, between the Small and Narrow Cays, the depths are only 2 and-a-half to 3 fathoms.

Eastern Cay and channel.- On the western side of the aforementioned channel is the Eastern cay, made up of coralliferous blocks and sand, of an approximate height of 3 feet and steep. About half a mile to the north-northeast of this cay, there is a rock formation above water, and about a kilometer and-a-half away from it is a dry sand bank.

The channel of the Eastern cay has an entrance about half a mile wide, with depths of 7 to 120 fathoms where only small ships may enter, avoiding the coralliferous heads that are steep.

There is no perceptible current from the western side of the bank, but there are strong inward and outward moving currents across the channels in the reefs.

From the South Cay a solid reef extends to the east for 3 miles, until it breaks again and with the southwest end of the eastern reef forms the channel of this Eastern Cay.

Southwest Cay This is the largest of all the cays in the large Serrana bank... It is located close to the south-western end of the bank. It is about 1 kilometer long from east to west and has some 280 meters of maximum width. At the centre, there is a small hill, 32 feet high at its vortex, but since 1932 to this date, according to reports from Mr. Ritch, the cay has grown some 100 meters in length and has narrowed a lot.

A coralline reef lies only a small distance away from the westernmost end of the cay, but from the eastern end, a barrier reef extends to the northeast for 9 miles, which is dry on some places, steep and, being protected against the wind by reefs to a certain extent, it is not always visible. On the edge of this reef, some 6 miles off the cay to the northeast, there is another rock reef half-a-mile long and 2 feet high, and half-a-mile farther in the same direction, there is a dry sandbank.

The cay in question is made up of sand covered with grass patches. On the southwest end, large masses of broken coral, rich in crustaceous remains and mollusks shells, calcareous algae, white coral, etc. that have washed up on the beach up to 3 or 4 feet high.

On this cay is the Serrana lighthouse, at a height of 72 feet on a pyramidal tower of a structure similar to that described for Quitasueño, initially erected on the end of the western summit of the same cay, that has gradually expanded as explained above, in such a way that it is now more than 100 meters away from that end.

On the base of the lighthouse there is a plaque with an inscription identical to that on Quitasueño transcribed above.

The cay is completely surrounded by calm waters with no cover and in stormy weather the only feasible quay is on the northern side through a channel near the western end; and provisional anchorage over 7 to 9 fathoms of white sand is located half-a-mile to the northwest of the cay.
(...)

Semi-potable water can be obtained on the cay, by draining wells at a short distance from the beach as in fact there is a small well used by the guards that live there.
...

Serrana Cay is the cay that produces the most guano and marine birds eggs. Several hundreds of booby birds (Mr. Ritch estimates them to be a million) land on it . These are marine birds the size of a pigeon, palm footed, of long, robust and pointy beaks, and shuttered noses. The booby bird belongs to the same family as the pelicans, lives on cliff-filled coasts and rocky islands; during the breeding season they form immense colonies such as that of Serrana. They are ichthyophagous, that is, they only feed on fish and squids.

During the day, the males fly around the cays, some times going several miles away, on search of small fish and at sunset, they return and bring nourishment to the females that are nesting.

They are extremely docile and are not scared away by the presence of man. As we circled the cay, covered with booby offspring and others, some covered and some under the females' wings, the females would rise with a strident ruckus, flying over our heads, forming a solid winged cloud, only to stand on the exact spot they were, as soon as we had passed.

Close to nearly a million booby birds, there are some 15,000 "nardings", bigger birds of a different ornithological species.

All of these are the birds that deposit the eggs and the guano that make up the sole trade of the cays.

Each female lays three eggs every month if they are left for incubation, but if removed, they lay more often. These eggs are somewhat smaller than hen eggs, of a light green colored shell and, though a bit oily, they are tasteful. We ate several of them raw, boiled and in punch.

Serrana produces somewhere between 500 and 600 thousand eggs a year, of which about half are left for incubation and, consequently, preservation of the species. Others serve for the guards' nourishment, and the rest are exported to Jamaica, packed in small cartons made to that effect, and those in turn, in wooden boxes. Last year, during the first five months, they took 130 thousand eggs, of which a large percentage is damaged upon arrival at Kingston, and the rest is sold at 32 shillings (USD $8.oo) per thousand. Disembarking amounted to £ 50 and customs duty for eggs is 20% *ad valorem.*

(Evidence of the accuracy of the data furnished to me by Mr. Ritch is the fact that I was informed by him that he had taken 130 thousand eggs to Jamaica in 1936, and the same amount was reported to the undersigned and the Colombian Consul, by Mr. Arthur Jacobs, a high official of Kingston's Customs.)

Guano is a highly appreciated fertilizer for agriculture and, although the National Agronomy Official says that in Roncador and Quitasueño (there is none there) “there are abundant residues of marine birds excrements that form a famous guano, very rich in nitrogen”, I must differ from that appreciation, because that official must have been led by what is known of the guano in Peru, which is indeed rich in nitrogen, but this particularity of the Peruvian product, which makes it superior to that of anywhere else in the world, is due to the fact that it never rains in that country’s coastline, since it is known that rainwater deprives guano of its nitrogen.

This is the reason why the guano from Peru does not need any care, whereas that of the Colombian cays needs to be collected, piled up and covered to protect it from the water. Some times, the tide is very high flooding a good portion of the guano deposited on the edges of the cay, whereupon it is rendered useless.

The guano produced in Serrana amounts to 3 tons a month, which are sold in Jamaica, where it is duty-free, at £ 3 per ton.

As for tortoiseshell turtles, they are very scarce on this cay, and only seldom is one caught. The tortoiseshell on these chelonians only amounts to a dorsal layer of the shell, which has to be removed immediately in hot water, since it quickly goes bad shortly after the animal is dead. A large turtle produces 4 kilograms of tortoiseshell, which sells at USD $2.50 per kilogram.

Generally, turtle fishermen usually take this product to the island of Providencia, where the meat is sold and the tortoiseshell is transported to Jamaica. At the Customs house on that island, I obtained the following information regarding the turtles sacrificed there lately, to wit: in 1936, 126 heads and in the course of the current year, 87. I do not know the customs duties charged for tortoiseshell, but presumably it is also ad valorem.

(...)

Close to this cay is the Eclipse Rock, which is an isolated coralliferous patch, under 2 and-a-half fathoms of water, 7 to 9 fathoms deep, very close to the edges. It lies some 750 meters to the west-southwest of the westernmost end of the cay under discussion. The rock is of deep greenish color and not visible except from very close.

RONCADOR.- This is a pear-shaped coralliferous bank, 7 miles long from northwest to southeast, and 3 and-a-half miles wide at its centre, ending almost in a tip at its northwest end.

A barrier reef extends for nearly 3 and-a-half miles from the northern end, where certain dry rocks emerge from the water, and from then one it slightly curves to the south, until it reaches the southeast end of the bank, without showing any openings. Half a mile away from the cay, exactly within the edge of the reef, there is a small sandbank, and almost a mile away, to the southeast, there is another. There are two more of these sandbanks,

one, half-a-mile away and the other, three-quarters of a mile away from the south-east end of the bank.

The northeast side of the reef is flanked by a bank nearly half a mile wide, with varying depths between 5 and 20 fathoms, over sand and dark coral. On the south end, however, the edge is only about half a mile away. The western side of the reef is, as usual, replete with pronounced shallows up to two miles away from it.

On the western edge of the bank, there is good anchorage over 5 to 7 fathoms, with the usual trade winds, but easily discernible coralline patches must be avoided.

There are no perceptible tide currents and the general current strongly moves towards the northwest.

Water can be obtained on the Cay by drilling wells near its centre, but it is brackish water and only used by the fishermen for cooking purposes.

Roncador Cay. (Southern tip: Latitude 13° 34' and Longitude 80° 06' W. of Gr.) Nearly half a mile inward from the northern end of the bank lies Roncador Cay, measuring some 350 meters long by nearly 270 meters wide, made up of sand and coralline blocks piled up in a “wall” on the north-eastern side, with an approximate height of 5 meters. There are no trees or bushes of any species on the cay and the sole vegetation is grass.

On the cay stands a lighthouse 52 feet high, on a red pyramidal tower of iron structure, atop a gas reservoir erected on the cay.

The name Roncador given to the whole bank, is justified by the permanent roar of the sea waves upon crashing violently against its reefs.

As seen, Roncador Cay is much smaller than that of Serrana and a violent storm in 1932 reduced it by nearly 200 meters.

No more than some 2,000 booby birds and some nardings can be seen there, all of which produce nearly 25,000 eggs per year, left entirely for breeding and for the guards’ nourishment. The guano cannot be exported yearly, since it is necessary to let it infiltrate within the blocks of calcareous algae first in order to extract it later.

Last year, 60 tons of guano were extracted from Roncador, and in the current year the cay has produced nearly 100 tons so far, but according to Mr. Ritch’s data, which he explained to me in technical terms but the accuracy of which I am not certain of, it is now necessary to leave the guano untouched for thirty years in order to let it form by the passage of time and the aforementioned infiltrations. The guano of Roncador is of lesser quality than that of Serrana and its price only amounts to £ 2 per ton.

(...)

The tortoiseshell in the vicinity of the bank of Roncador appears to have been destroyed by a hurricane in 1932.

(...)

CONCLUSIONS

International situation.- There is not the slightest doubt that these cays have been under Colombia's sovereignty ever since the territory of "Veraguas" was part of the Viceroyalty of Santa Fe, having belonged to the Kingdom of Tierra Firme and later, to the Audiencia of Panama. "Veraguas" was the coast discovered by Christopher Colombus on his fourth trip and granted to the Admiral by the Catholic Kings. These titles were always respected to the point that, in the title as Captain General of Castilla de Oro granted to Pedrarias in 1513, the Province of Veraguas was excluded. The possession of the Nueva Granada over this Province having been confirmed by the Royal Order of 30 November 1803, there is no room for any dispute over it.

Annex 121

PRESIDENTIAL DECREE N° 487 ESTABLISHING THE NAVAL GARRISON ON SAN ANDRÉS, 8 MARCH 1940

(Archives of the Colombian Navy)

DECREE NUMBER 487 OF 1.940
(8 March 1940)

Determining the composition of the General Directorate of the Navy, the Command of the Navy Forces and Navy Base M.C. "Bolivar", the Command of the War Fleet of the Putumayo and Riverside Base of Puerto Ospina, the Riverside Base of Santa Clara and the Navy Infantry Battalion; allocating the respective resources and adopting other provisions.

THE PRESIDENT OF THE REPUBLIC,
in exercise of his legal powers, in particular those extraordinary powers granted to him by Law 54 of 1.939

DECREES:

FIRST ARTICLE.- The General Directorate of the Navy will be composed of the following sections:

1).- General Director
2).- Assistant
3).- Staff
4).- Legal affairs
5).- Inspector of the Navy

SECOND ARTICLE.- The wages of the staff of the sections mentioned in the previous article will be:
(…)

ARTICLE THREE.- The Command of the Navy Forces and Navy Base M.C. "Bolivar" will be composed of the units and sections mentioned in Article sixth of Decree 50 of 1937 and, in particular, of the following sections:

1).- Command
2).- Chiefs of Staff
3).- Staff
4).- General affairs
5).- Inspector
6).- Technical Department
7).- Health services
8).- Resources
9).- Working force

ARTICLE FOUR.- The wages of the staff of the sections mentioned in the previous article will be:
(…)

ARTICLE EIGHT.- The Navy Infantry will be formed by a Battalion and three Companies in order to cover the necessities of the Garrisons of the Navy Base M.C. Bolivar, the Riverside Base of the Putumayo and that of San Andrés and Providencia. It will have the following staff:

1 Battalion Commander, Major, s.s.g	$ 245.00
2 Lieutenants, s.s.g. each $ 150.00	300.00

For each of the Companies:

1 Captain, s.s.g	210.00
2 Lieutenants, s.s.g., each $ 150.00	300.00
2 Petty Officers, s.s.g., each $130.00	260.00
1 First Sergeant, s.s.g	75.00
4 Second Sergeants, s.s.g., each $55.00	220.00
6 First Privates, s.s.g., each $40.00	240.00
9 Second Privates, s.s.g., each $20.00	180.00
100 corporals, s.s.g., each $4.50	450.00
1 First Treasurer, s.s.g	55.00
1 First Cook, s.s.g	55.00
1 Second Armament Officer, s.s.g	55.00
1 Second Cook, s.s.g	40.00
1 First Assistant Cook, s.s.g	25.00
2 First Adjunct s.s.g., each $25.00	50.00
1 Second Assistant Cook, s.s.g	20.00

(…)

ARTICLE TWELVE.- The General Director of the Navy is hereby empowered to appoint and assign the staff (officials and rank-of-file), the naval employees having a

monthly salary lower than $50.00 and the troop personnel of the Navy Infantry. He is also empowered to decide accordingly on the retirement or decommissioning of the said personnel.

ARTICLE THIRTEEN.- The provisions contrary to those of the current Decree are derogated as of the 1st. of the current month.

TO BE NOTIFIED AND EXECUTED.

Given in Bogotá, on 8 March 1940

(signed)
EDUARDO SANTOS, President of the Republic

(signed)
THE MINISTER OF WAR

Annex 122

NOTE N° LF99/458, FROM THE COLOMBIAN FOREIGN MINISTER TO THE COLOMBIAN CHARGÉ D'AFFAIRES IN WASHINGTON, 21 OCTOBER 1943

(Archives of the Ministry of Foreign Affairs of Colombia, 21 October 1943, pp.119-121)

Bogotá, 21 October 1943

Mr.
Alberto Vargas Nariño,
Charge d'Affaires of Colombia.
Washington

Mr. Charge d'Affaires:

I have the honor to inform you that the firm "Rand McNally & Company" from Chicago, has issued a work called "Current Events World Atlas" where a map of "Central America" appears with a mistake that it is necessary to correct.

In effect, in the said map the features Serranilla Bank, Quita Sueño Bank, Serrana Bank and Roncador Cay appear with the following legend at the foot of each one of them: (U.S.A.). (underlined in the original)

As you are aware, over these cays there is in existence the Olaya Herrera-Kellogg agreement on statu quo, of 10 April 1928, which in its relevant part provides the following:

"Whereas both Governments have claimed rights of sovereignty over these cays;

"Whereas the interest of the United States lies primarily in the maintenance of aids to navigation on those cays;

"Whereas Colombia shares the desire that such aids shall be maintained without interruption and furthermore is especially interested that her nationals shall uninterruptedly possess the opportunity of fishing in the waters adjacent to those cays;

"They resolve to preserve the *status quo* in respect to the matter, and, consequently, the Government of Colombia will refrain from objecting to the maintenance by the United

States of the services which it has established or may establish on said cays to aid navigation, and the Government of the United States will refrain from objecting to the utilization, by Colombian nationals, of the waters appurtenant to the cays for purposes of fishing."

Thus, those cays are not under the exclusive sovereignty of the United States and the legend referred to above must be modified in order that it includes at least a double bracket, namely: (Colombia) (U.S.A.).

I hereby request that you approach the company in order that a future new edition of this Atlas includes that modification, for which I am thankful in advance.

From the Charge d'Affaires, truly yours,

(Signed - illegible)

Annex 123

NOTE N° 938/DIN FROM THE GENERAL MARINE DIVISION TO THE COLOMBIAN MINISTER OF WAR, 21 JANUARY 1946

(Archives of the Colombian Navy)

GENERAL MARINE DIVISION

Number 000938-DIN

Bogota, 21 January 1946

COPY

Mr.
Minister of War

Having learned this office about the budgetary allocations for the National Navy during the year 1946, with all due respect I take the liberty of informing you that the sum destined for the maintenance and conservation of the Gas Plants, Lighthouses and Buoys in both oceans (Chapter 40, Article 432) is insufficient.
(…)
I beg you to give due consideration to the draft budget that follows, which covers the maintenance and improvement of these services. They require a flawless performance with a view to avoid the serious consequences that all ships would have to face in case of failure or absence of light signals.

BUDGET FOR THE URGEN INSTALATION OF
LIGHTHOUSES AND BUOYS IN THE ATLANTIC COAST
(…)
PACIFIC COASTLINE
(…)
ACETILENE PRODUCTION - Raw materials
(…)

LIGHTHOUSES IN THE ARCHIPELAGO

Lighthouse Catalina Island Installed and working 23.692.50
Lighthouse of Providencia " " " 18.095.80
Lighthouse Alburquerque Cay " " " 20.094.75

Lighthouse Quitasueño Cay " " " 19.234.80

(…)

This budget has been drafted taking into account the most pressing needs for the normal navigation and the requests made by the Maritime Navigation Companies, as well as those of river and air transport.

(…)

(signed)
CAPTAIN AURELIANO CASTRO
Director General - Marine Division

Annex 124

COLOMBIAN NAVY INTERNAL MEMORANDUM ON STATUS OF LIGHTHOUSES, INCLUDING TWO IN THE ARCHIPELAGO OF SAN ANDRÉS, 3 MAY 1946

(Archives of the Colombian Navy)

From: Sub Lt. Mario A. Salcedo
To: Mr. Captain, Naval Director-General
Subject: Report.
Date: Bogotá, 3 May 1946

F.C.R.

I respectfully address my superior, to inform you of the result of the inspection carried out by the undersigned, over the Atlantic Lighthouses and Buoys materials.

(…)

General state of the lighthouses

In general terms, it can be said that all the lighthouses need the following repairs: change of 30% of rivets; change of the pipe systems; scraping and overall paint.

In addition to that, I will note the special works that must be done and are immediately required:
(…)

Lighthouse of Providencia

It is in good state but presents similar problems like the two former ones: Santa Marta and Cabo de la Vela.

Lighthouse of Bolivar Cay

Four tensing wires of 5/8" must be placed on it to revert the existing danger that it might collapse due to the fact that its structure is so narrow, that a strong gust of wind might be enough to produce its fall.

During wintertime the sheds of the [gas] accumulators are flooded with the resulting

deterioration of the latter and of all the metallic structure. In order to remedy this anomaly the slates of the roofs of the aforementioned sheds must be changed.

The slates and rails of the watchtower are very deteriorated, as are the handrails on the steps and 30% of the rivets. All this material should be changed.
(…)

Estimated budget to begin indispensable works in the various units pertaining to the "Lighthouses and Buoys" Division

(…)

Acquisition of special tools for the Atlantic section …… 8,600.oo
(…)
Repair of the lighthouse of Bolivar Cay …… 2,800.oo
Repair of the lighthouse of Providencia,
with the construction of a pulley-driven slide……. 7,400.oo
(…)

Note: The photographs taken on the Atlantic coasts, unfortunately were overexposed due to a malfunction of the picture camera.

Sincerely,
(Signed)
Sub Lt. Mario A. Salcedo
Resp. "Lighthouses and Buoys" Div.

Annex 125

REPORT BY THE GEOLOGICAL COMMISSION SENT TO THE ARCHIPELAGO OF SAN ANDRÉS BY THE COLOMBIAN MINES AND OIL MINISTRY, OCTOBER 1947

(A. Sarmiento, J. Sandoval, "Comisión Geológica del Archipiélago de San Andrés y Providencia, Estudios de Fosfatos, Inf. N° 626", Boletín Geológico, N° 11 y 12, Año I, 1953, pp. 26-42)

REPUBLIC OF COLOMBIA
MINISTRY OF MINES AND OIL
NATIONAL GEOLOGICAL SERVICE

GEOLOGICAL COMMISSION OF THE ARCHIPELAGO OF SAN ANDRÉS AND PROVIDENCIA

STUDY ON PHOSPHATES

REPORT # 626

By

ALBERTO SARMIENTO ALARCON
Geologist

and

JOSE SANDOVAL
Geologist-Petrographer

Bogota, October 1947

SUMMARY

This Report summarizes the tasks carried out by the geological commission sent by the Ministry of Mines and Oil, with the participation of the Institute for Industrial Development, in order to study the possibilities of phosphate exploitation in the Archipelago of San Andrés and Providencia.

The petrography of each of the islands studied is described, as well as their stratigraphy. On the Island of San Andrés strata belonging to the Miocene (median to high) can be found; the Island of Providencia is formed by igneous rocks likely from the Tertiary; and the emergences of the Bank of Serrana are from the Quaternary.

The surveys carried out on the South-west Cay of the Bank of Serrana, where loose sand with traces of phosphates were found, are laid out in detail, and are also supplemented by some economic considerations. In view of the result of the analysis, according to which the percentage of P2O5 is between 7.82% and 0%, the study concludes by recommending not to undertake any exploitation.

GEOLOGICAL COMMISSION OF THE ARCHIPELAGO OF SAN ANDRÉS AND PROVIDENCIA

INTRODUCTION

Purpose of the study

The main consideration for the geological survey of some of the islands and cays of the Archipelago of San Andrés and Providencia was to verify certain data acquired by the Geological Service and by the Institute for Industrial Development. When in the continent, the natives of the islands had informed about the existence of large volumes of guano in the Archipelago and, perhaps on their own suggestion, there were some time ago certain publications stating that there was an unexplored wealth for the nation in the Archipelago, which could solve the problem of the scarcity of phosphates needed to fertilize crop land.

On several occasions, the Colombian Society of Agriculture Producers had requested to the Geological Service that this body carry out the above mentioned study, with a view to determine whether the existence of guano could solve one pressing problem for our agriculture. Indeed our agriculture producers have to import phosphates of every kind at high prices, because it is a product with great demand in international markets.

Location

The Archipelago of San Andrés and Providencia is located some 740 kilometers straight from the northwest of the city of Cartagena. The islands that were studied are located between parallels 12 and 15 of the Northern hemisphere and meridians 80 and 82 West of Greenwich.

Industry

1. Island of San Andrés

It can be said that the only real industry in this island is that of coconut, which is exported to Cartagena and to Panamá, where the factories of vegetable oils are in high demand for this product. Apart from this, while there is a sizeable commerce in the city of San Andrés, it can be stated that close to 95% of the inhabitants work in the coconut business.

2. Island of Providencia

In contrast with the Island of San Andrés, there is no cultivation of a single product. Apart from coconut, the island produces also oranges, limes, lemon, mangoes, avocado and other. They are sold in the markets of Cartagena and Panamá as well as in Central America in general.

For domestic consumption there is a small production of corn, beans, banana, mandioca and sugar cane.

3. Cay Northeast of the Bank of Serrana

This Cay is uninhabited because it lacks drinking water. Its vegetation is limited to a grass plant that does not grow more than five centimeters high.

But given the large colony of “sula” birds that nest there and produce sizeable quantities of eggs, Jamaican citizens establish there during certain times of the year with the aim to collect the said eggs.

In the Cay there is also tortoise fishing and while they are not abundant the income they generate appears to be steady, because both its meat and its shell are usable.

GEOLOGY

Given that each of the islands visited is a unit completely different from the others, a separate description of every one will be given in the following sections, dealing with Geography, Stratigraphy, Work performed, etc.

Physiography

---

1. Island of San Andrés

(…)

2. Island of Providencia

(…)

3. Bank of Serrana

The Bank of Serrana is located between parallels 14 16' and 14 29' and meridians 80 08' and 80 24' west of Greenwich. It is formed in its larger portion by submerged coral banks

and banks or sand shoals, also submerged, that are not very deep in feet; from this large bank the following Cays surface: Southwest, Southeast, Northwest and North. They are to a large extent small features among which the biggest one is Southwest Cay. The latter is approximately 900 meters wide at its wider section, in the Northwest section. It is formed by loose sand (un-consolidated) and thus its vegetation is very low, growing up to five centimeters from the surface.

The maximum height is a hill which emerges 6 meters above water level.

In these banks there are no water currents, so that all topographic features derive from the action of the waves, which in certain parts -like its southwest corner- have piled up masses of broken coral, a few limestone and madrepore that have been thrown on the beach. In this part a wall of sorts has been formed with an approximate height of one meter.

The North Cay of the Bank of Serrana is a very small oval-shaped surface whose maximum length in a northwest direction is some 30 meters and with a maximum width of more or less 21 meters, running in perpendicular to the former.

(…)

Stratigraphy

---

1. Island of San Andrés

(…)

2. Island of Providencia

(…)

3. Bank of Serrana

As it was expressed in the section on physiography, the bank of Serrana presents four features which are, in a west-to-east direction, the following: Southwest Cay, North Cay, South Cay and East Cay. All of them are alike but only Southwest Cay and North Cay were visited, the former because it is the largest and the latter in order to decide whether the visit to the other cays would be of interest.

Southwest Cay.- Southwest Cay is the largest of them all; it is some 370 meters long in a northern direction and in the widest section of a northwest direction.

This cay is composed mainly of a sand shoal save from the southeast corner, where large fragments of coral can be found. It appears that this shoal bank lies in its entirety on the south-western corner of a big coral reef which is submerged.

The shape of this cay changes over time, which is explainable due to the fact that sea currents change their course over the year, thus transferring loose sand materials from one place to the other. For this reason it has been deemed to be from the Quaternary age. (…)

North Cay

North Cay is located at coordinates 14 28' and 80 17' W, on the northwestern end of the Bank of Serrana. It is currently formed of broken coral and shells. It is approximately 33 meters long in a northeast direction and 20 meters wide in a north-west direction.

It would appear that this cay is destined to disappear, because persons who have visited in the past have reported that its surface was larger than the one we found. In addition, according to a publication by the Hydrographic Office U.S. Navy, based on a British survey carried out in 1844, the total area was 28,240 square meters. According to the survey carried out by the Commission, its current area is just 520 square meters.

For a better understanding, the reader is referred to the chart of North Cay of the Bank of Serrana attached to the present Report.

PHOSPHATES FINDINGS

Work Performed

All the existing roads in both the Island of San Andrés and the Island of Providencia were surveyed and samples were taken with totally negative results. It is to be noted that in these islands there are no favorable conditions for the actual accretion of guano, because the animals that produce it do not nest there. This is only natural if one takes into account that these islands have a high population density and guano-producing birds look after uninhabited places.

On the Southwest Cay of the Bank of Serrana conditions for the accretion of guano were found, because several thousands of birds of the genus Sula Leucogaster nest there. They are the size of a dove, web-footed, with a long, thick and pointed beak and plugged nasal bones noses. They eat fish and squid exclusively.

As no banks of guano were found but merely scratches of it, a mining lamplight was used to make tests over night in order to generate phosphorescence in the sands in case they had any contents of phosphorus. All the tests thus effected on several sections of the bank gave positive results.

(…)

Since the beginning, it was ruled out to visit the Bank of Roncador, because, while according to the reports obtained it has an area of 7 by 0.5 miles, most of it is covered by water and the only section emerging above water is where the lighthouse lies. This lighthouse was built there for navigation safety purposes.

The Bank of Roncador is located between parallels 13 28' and 13 35' and meridians 80 00' and 80 05'. Its large part is composed of sand shoals and corals and is submerged. So the only emerging section is located in its northwestern end. See the chart enclosed of the Bank of Roncador. Another reason for not visiting this Bank was that the destroyer used by the Commission was not available.

Economic Considerations

From the previous considerations it is concluded that the only place where guano or phosphate material can be found is in the Southwest Cay of the Bank of Serrana, because it is the only area of those visited where the samples taken gave a positive result and where colonies of guano-producing birds can be found.

(…)

Wages in the islands are scarce and therefore high. They are between $3.00 and $4.00 a day, with the disadvantage that the production rate is approximately half of that of one of our workers in the interior. These data was provided to us by learned persons in the Intendancy itself.

If transportation of this material was intended, it would have to be carried out by schooners or small boats of short draft and their loading would be extremely difficult because they could not approach the coast, so a skiff or something similar would have to be used in order to transport the material from the land to the ship. If ships of larger draft were to be used, this additional transportation would have to cover at least six miles, which is the distance at which ships can anchor out of danger.

When starting exploitation account should be taken of providing shelter, food and drinking water to the members of the labor force, at least for their most pressing needs. It is clear that both the food and the water should have to be transported from the continent.

Conclusions

In the light of the previous considerations, the conclusion is that in the visited places there are no banks of guano and in those not visited it is not realistic to expect to find that element either. This is because of the weather conditions and the fact that the conditions of the places where that might exist are nor favorable for guano accretion.

In the Southwest Cay of the Bank of Serrana some loose sands were found with traces of phosphate material. This is the product of the colonies of birds existing there that has been deposited on the surface. The sands have suffered the effect of the sea water at stormy times and their contents of phosphorus has been largely dissolved by atmospheric precipitation.

(…)

In view of the above, it is our considered opinion that the sands impregnated with phosphate material found in the Southwest Cay of the Bank of Serrana are not apt for economic exploitation.

(signed)
ALBERTO SAMIENTO ALARCON
Geologist

(signed)
JOSE SANDOVAL
Geologist - Petrographer

/mml.-

Annex 126

PRESIDENTIAL DECREE N° 2966-BIS ISSUUED IN SAN ANDRÉS, ISLAND OF SAN ANDRÉS, 13 NOVEMBER 1953

(Diario Oficial N° 28367, 10 December 1953, p. 1025)

PUBLIC POWER
NATIONAL EXECUTIVE BRANCH

San Andrés and Providencia Declared A Free Port

DECREE NUMBER 2966-BIS of 1953
(November 13)

Declaring the Territory of San Andrés and Providencia a free port and creating the Pro-Tourism post stamp

The President of the Republic of Colombia,

in exercise of the powers granted to him by Article 121 of the National Constitution and

WHEREAS:

By Decree No. 3518 of 9 November 1949 a disturbance in the public order was registered and the territory of the Republic was declared to be in a state of emergency.

DECREES:

First article.- As of the date of the issuing of the present Decree, all the products imported to the territory of the Intendancy of San Andrés and Providencia are declared free of tariffs, exception made of those whose import is subject to control by Public Health authorities.

Paragraph. The freedom of tariffs for imports referred to in this article does not extend to consular charges and does not replace the requirement concerning the consular certification.

Second Article. The goods of foreign provenance that according to this Decree enter the territory of the Intendancy of San Andrés and Providencia free of tariffs will not be considered as nationalized. In case they are sent to any port or place in the country outside the said territory, they should pay the corresponding tariff.

Article Three. In conformity with the provisions of the previous article, all the cargo, baggage and similar goods that leave the territory of San Andrés and Providencia having as a destination any other customs zone in the country, shall be covered by a certification issued by the Intendente. This certification will have the same effects as the consular certification with regard to foreign goods. The customs officers will require this certification for every cargo shipment that has to go through any customs agency in the country and the goods not mentioned in the certification will be considered contraband.

Paragraph. The provisions of this article are not applicable to the agriculture and industry products of the Intendancy of San Andrés and Providencia, being as they are national products which are circulating and being transported through the territory of the Republic.

Article four.- The National Intendente of San Andrés and Providencia is hereby authorized to charge a consumer tax of three cents ($ 0.03) by each peso with regard to those goods of foreign provenance that are offered for sale in the territory of the Intendancy that have a value higher than one peso ($ 1.00).

Paragraph. This tax will be made effective by means of stamps and will be included in the Budget of the Intendancy, destined to pubic works which are needed urgently.

Article five.- The Intendente will sent to the Ministry of Finance a monthly report detailing all imports and exports taking place within the territory of his District.

Article six.- As of the 1st of January 1954 the National Post Stamp Pro-Tourism is established. The Government will issue the stamp in due course.
Article seven.- This stamp will be issued as fiscal goods by the National Finance Tax Collectors agencies and its product will be directly incorporated in the national income.

Article eight.- The owners or administrators of hotels and pensions registered with the National Department of Tourism and whose daily charge is higher than $ 10.00 daily, are bound to adhere the Pro-Tourism Stamp to the copy of the invoice remaining at the premises at a rate of ten cents ($ 0.10) by each ten pesos ($ 10.00) of the cost of each invoice.

Paragraph. The stamp will be added to each invoice at a visible spot. The Government will issue regulations concerning the manner to make this requirement binding and providing for sanction in case of lack of compliance.
Article nine.- The total income obtained under this Decree will be taken into consideration in order to fix the yearly budget of the National Department of Tourism, Ministry of Development.

ARTICLE TEN.- This Decree enter into force on the date it is issued and abrogates all provisions contrary to it.

To be notified and published.

Given in San Andrés, Intendancy of San Andrés and Providencia, on the thirteenth day of the month of November 1953.

Lieutenant General GUSTAVO ROJAS PINILLA

The Minister of Government
LUCIO PABÓN NUÑEZ

The Secretary-General of the Ministry of Foreign Affairs, Acting Minister
DANIEL HENAO HENAO

Annex 127

NOTE N° 060 CG-EMG-SJ832 FROM THE COLOMBIAN MINISTER OF WAR TO THE FOREIGN MINISTER, 4 MARCH 1955

(Archives of the Colombian Navy)

4 March 1955

0060 CG-EMG-SJ-832
Diplomatic Action.-

Mr.
MINISTER OF FOREIGN AFFAIRS

I write to you, Mr. Minister, in order to kindly request that the Ambassador of Colombia in Washington is imparted the appropriate instructions in order to obtain from the Government of the United States of America the rescission of the agreement concluded between the two countries in April 1928 with regard to the service of the lighthouses and buoys in the Banks of Serrana, Quitasueño and Roncador Cay, located in the western portion of the Caribbean Sea.

The Command of the National Navy suggests two options in this regard, as follow:

1.- In case that the rescission of the agreement is obtained, the Government of Colombia would proceed to change the existing Lighthouses and Buoys and would replace them with more modern items, with a view to assure that the height and cabotage navigation that takes place in those areas is more efficient and safe. The modernization plan includes new installations in the above mentioned banks, according with the technical specifications found in the attachment to the present letter.

The National Navy would be in charge of maintaining the new projected installations, as part and parcel of the integrated light system for the Archipelago of San Andrés and Providencia.

2.- In the event that the Government of the United States would wish to maintain in force the whole of the agreement of April 1928, it would be necessary to obtain that that Government undertakes on its own the modernization of the Lighthouses that have been operative in the above mentioned locations. In this alternative, it would be advisable that

the former action conforms to the technical specifications attached to the present letter. Additionally, the National Navy of Colombia would be in charge of the general maintenance of the Service. In this fashion, this would also contribute to the general plan for the modernization of the Lights and Buoys of Colombia.

This Office would see with pleasure a prompt and favorable response to the action I have just suggested.

(signed)
BRIGADIER GENERAL GABRIEL PARIS
Minister of War

Annex 128

NOTE N° 142/COFB-57-M-107 FROM THE CHIEF OF THE LIGHTHOUSES AND BUOYS DIVISION OF THE COLOMBIAN NAVY TO THE COASTS AND MERCHANT MARINE, 22 OCTOBER 1959

(Archives of the Colombian Navy)

Bogotá, D.E., 22 October 1959

Nº 142 - COFB - 57 - M - 107.

Subject: Report to incoming Coasts and Merchant Marine Director .
To: Mr. Commander [Frigate Captain]
Coasts and Merchant Marine Director Gn.

In accordance to the orders of that Directorship, I herby submit to Mr. Commander, the report of the current state of the Lighthouses and Buoys Division.

(…)
- Modernization Plan
(…)
c) Works: The works that must be executed, estimated at approximately $6,532,229.94 are: 14 in the Pacific and 30 in the Atlantic, without taking into account those 3 of the Colombian Archipelago's lighthouses that are still under the property of the United States of America in Colombian territory, despite the actions of the Lighthouses and Buoys division several years ago, and the various reports submitted to the Command of the Navy on the inconvenience of these lighthouses' being under the care of the U.S.
(…)
d) Constructions plan: The constructions plan that is intended for a period of 3-4 years, the duration of which will depend on the amount of the budgetary provisions allotted yearly, implies activities in 44 different places in the Colombian coast, to wit:

14 in the Pacific coasts
24 in the Atlantic Coasts
6 in the Colombian Archipelago.

For each of these sections, the following investments have been assessed:

Works in the Pacific		$2'650,145.82
Works in the Colombian Archipelago		$ 554,727.85
Works in the Atlantic		$2'327,356.27
Construction Machinery and Equipment		$1'000,000.oo
	Total	$6'532,229.94

(…)
f) The Colombian Archipelago: The broadening of the illumination service of the Colombian Archipelago was foreseen in the Signaling Plan of 22 March 1955, and in earlier studies.

This Plan foresaw the modernization of the lighthouses of Quitasueño, Serrana bank and Roncador Cay, for an initial amount of US $61,789.35 that was later re-calculated to US $54,504.90.

These three lighthouses being the property of the U.S.A. in Colombian territory and considering that presently they provide a deficient service to international navigation in these locations, the Lighthouses and Buoys Division carried out the following actions:

22 October 1954: Report rendered by DIADMON, under directions from Lighthouses and Buoys.

4 November 1954: Draft notes addressed to the Chief of the U.S.A. Naval Mission in Colombia.

7 December 1954: Draft request of diplomatic action vis-à-vis the U.S.A., from Mr. Minister of War to Mr. Minister of Foreign Affairs.

18 February 1955: Idem.

22 February 1955: Submission of final draft letter to Mr. Minister of War.

4 March 1955: Letter from Mr. Minister of War to Mr. Minister of Foreign Affairs requesting diplomatic action vis-à-vis the USA for cession of the three current lighthouses.

To date, the result of the actions aimed at obtaining the cession of the 3 currently disputed lighthouses from the USA is not known, and therefore, the completion of the Signaling Plan as it was foreseen in its entirety was not achieved.

The Lighthouses and Buoys Division, aware of the need for these lighthouses to be the property of the National Government, has addressed its superior authorities on several occasions in order to dispose and favorably resolve this problem.

(…)

Sincerely,

(Signed)
Lieutenant-Commander Carlos Vasquez A.
Chief Lighthouses and Buoys Div.

Annex 129

NOTE N° 11700R/COARMADA-DMMC, FROM THE MERCHANT MARINE DIRECTOR OF THE COLOMBIAN NAVY TO THE GENERAL COMMAND, 1 OCTOBER 1964

(Archives of the Colombian Navy)

DIRECTION OF THE MERCHANT MARINE

Bogota, D.E., 1 October 1964

No. 011700R/COARMADA-DMMC

REF.: Report

TO: Rear Admiral
COMMANDER OF THE NATIONAL NAVY
JUDGE OF FIRST INSTANCE

With regard to the Note No. 291700R-COMDEARC-749 of 29 September 1964, I kindly inform you as follows:

1.- The maintenance of the service of the Lighthouse of Bolivar Cay is assigned to the Sub-division of Lighthouses and Buoys of the Naval Base ARC "Bolivar" in Cartagena. By the date that the wreckage of the Frigate ARC "Almirante Padilla" took place, that is, on 26 June 1964, the Direction of the Merchant Marine had not received any communication informing it that the above mentioned Lighthouse were out of service.

2.- As no information was received concerning any novelty on the said Lighthouse, no action was ordered or taken.

3.- No "Notice to Sailors" was issued with regard to the Lighthouse of Bolivar Cay because the Sub-division of Lighthouses and Buoys, which is under the direct orders of the Command of the Naval Base at Cartagena has not reported any news in that regard.

4.- The Lighthouse of Bolivar Cay was recharged for the last time on the 1st. December 1963 and its charge is supposed to last for over one year under normal working conditions.

Cordially,

(signed)
Captain MANUEL A. GARCIA BERNAL
Director
Colombian Merchant Marine

Annex 130

PERIODIC REPORT N° 8 OF THE COMMAND OF THE ATLANTIC NAVAL FORCE, 31 AUGUST 1968

(Archives of the Colombian Navy)

(stamped)
RESERVED COPY No. 1 of 2
Atlantic Naval Force Command
Cartagena
31 August 1968

PERIODIC REPORT OF OPERATIONS No. 8
Period covered: 1-31 August 1968

1. OPERATIONS CARRIED OUT DURING THIS PERIOD

1. [Mission Description]
1. (…)
2. (…)
3. (…)
4. (…)
5. (…)
6. (…)
7. (…)
8. (…)
9. (…)
10. (…)
11. Departure of ARC "ANTIOQUIA" in patrol mission in the territorial waters appurtenant to the Islands of San Andrés and Providencia, and the Cays Quita Sueño, Serrana and Roncador.
12. (…)
13. (…)

2. [Location]
1. (…)
2. (…)
3. (…)
4. (…)
5. (…)
6. (…)
7. (…)
8. (…)
9. (…)
10. (…)
11. Cartagena - San Andrés and Providencia - Cartagena
12. (…)
13. (…)

3. [Results]
1. (…)
2. (…)
3. (…)
4. (…)
5. (…)
6. (…)
7. (…)
8. (…)
9. (…)
10. (…)
11. Good
12. (…)
13. (…)

2. ALERT LEVEL
(…)

3. PUBLIC ORDER
(…)

4. CIVIC-MILITARY ACTIONS
(…)

5. PERSONNEL NEWS
(…)

6. GENERAL REMARKS
(…)

Annex 131

NOTE Nº 03308/MIDSG-A-559 FROM THE COLOMBIAN DEFENSE MINISTER TO THE COLOMBIAN FOREIGN MINISTER, 18 NOVEMBER 1968

(Archives of the Ministry of Foreign Affairs of Colombia)

MINISTRY OF WAR
OFFICE OF THE MINISTER

Bogotá, 18 November 1968

03308/MIDSG-A-559

SUBJECT: Jurisdiction Banks of Serrana, Quita Sueño and Cay Roncador

TO: Mr.
ALFONSO LOPEZ MICHELSEN
MINISTER OF FOREIGN AFFAIRS
Bogotá

Mr. Minister,

Last 11 November, at 07:00 hrs., the Commander of the Naval Station of San Andrés - Port Captain- found the vessel 'Geminis' of US flag, fishing in Colombian waters in Quita Sueño Bank, at the geographical position of 14º04'N and 81º20'W, under the command of Captain Clarence E. Fisher who exhibited a departure sailing clearance from Pascagoula-Mississippi, dated 23 September of the current year.

The Port Captain reports that the ship has been fishing in that area for two weeks, that it has a cargo of 60 tons and a crew of 8 persons of American nationality and that it belongs to the Fishing Company of Pascagoula-Mississippi.

The vessel was sequestered at the harbor of San Andrés at the disposal of the Port Captain. An administrative investigation is currently carried out by that body in order to determine whether there was an infringement of the Colombian territorial waters as well as Legislative Decree No. 375 of 1957, concerning fishing.

According to the exchange of notes of 3 April 1928 between the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Colombia Doctor Enrique Olaya Herrera and Mr. Frank B. Kellogg, Secretary of State of the United States of America, these banks and cay are in a "STATU QUO" situation, in the sense that the United States

Government will maintain uninterruptedly the navigation aids and the Colombian citizens will be able to fish free of interferences in the waters adjacent to those Banks and Cay.

After enquiring by phone with the Navy Lieutenant Guillermo Sarmiento R., Head of the Legal Services of the Direction of the Colombian Merchant Navy, Doctor Fernando Ruan Ruan, Head of the Natural Resources Division of the Ministry of Agriculture was of the view that Colombian nationals have the exclusive right to exploit the fishing resources of the area and that for any foreigner to do the same a written authorization by that Division was required.

As Article 34 of the Legislative Decree No. 376 of 1957 provides that the National Navy is tasked with the watching and inspecting of maritime fishing, that Command whishes to know the position of Colombia with regard to jurisdiction over those Banks and Cay and over the adjacent waters.

This request is also founded on the criterion set by the Head of the Diplomatic Division of that Ministry, according to Note No. 1658 of 22 August of last year, where mention is made to an authorization granted to the National Historical Maritime Society of the United States in order to carry out a submarine archeological survey in the "STATU QUO" area.

Truly yours,

(signed)
GENERAL GERARDO AYERBE CHAUX
MINISTER OF NATIONAL DEFENSE

Annex 132

PERIODIC REPORT N° 11 OF THE COMMAND OF THE ATLANTIC NAVAL FORCE, CARTAGENA, 30 NOVEMBER 1968

(Historical Reports, DIMAR 2008, p. 1-133 a 1-134)

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COPY NO. 1 OF 2 COPIES
COMMAND OF THE ATLANTIC NAVAL FORCE
Cartagena, 30 November 1968

PERIODICAL REPORT OF OPERATIONS NO. 11
Period comprised between the 1st and 30th of November 1968

1. OPERATIONS CARRIED OUT DURING THE PERIOD

a. 1. Transportation of fuels.- 2. Operation of the ARC Units. "Ltn. HERNANDO GUTIERREZ", ARC. "Ltn. JUAN LUCIO" and ARC. "Ltn. CARLOS GALINDO", under the Operational Control of the Commands of the 4th and 5th Brigade.- 3. Set sail of the ARC. "20 DE JULIO" with the aim of verifying the degree of enlistment of the Unit.- 4. Set sail of the ARC Destroyers. "ANTIOQUIA" and ARC. "7 DE AGOSTO" in compliance with the Order of Operations - No. 144-CFNA-68, with the aim of escorting the ARC. "GLORIA" during its - approach to the port of Cartagena on the occasion of its arrival during its inaugural journey.- 5. Transportation of personnel on board the Yacht ARC. "CALM. BELLSALTER", according to OROPER No. 145-CFNA-68.- 6. Set sail of the ARC. "MAYOR MARIO SERPA" in compliance with the Order of Operations No. 146-CFNA-68, copy sent to JEMN.- 7. Arrival to Cartagena of the ARC. Transportation Destroyer "ALMIRANTE TONO" coming from Boston USA., for its incorporation into the Naval Force of the Atlantic. (Oroper No. 105-CFNA-68) 8. Set sail - of the ARC. "PEDRO DE HEREDIA" and ARC. "GORGONA" in compliance with the Order of Operations No. 151-CFNA-68 with the purpose of carrying out the compensation of the Magnetic Compass of the ARC. "GORGONA".- 9. Set sail of the ARC. "7 DE AGOSTO" according to Oroper No. 147-CFNA-68, with the aim of verifying the degree - of enlistment of the Unit.- 10. Set sail of the ARC. "GORGONA" in compliance with the Order of Operations No. 149-CFNA-68 transporting personnel and material of Lighthouses and Buoys for works in the lighthouse of Bolivar Cay and inspecting the navigational aids in the area of San Andrés and Providencia, and the Banks of Serrana, Quitasueño and Roncador.- 11. Set sail of the ARC. "ANTIOQUIA"

according to Oroper No. 150-CFNA-68 with the aim of carrying out the Operation "COLOMBRITEX II" by means of the execution of combined training naval exercises with the British Destroyer "CAPRICE" during the operational visit of the said Unit to the Island of San Andrés, from the 29th November to the 2nd December-68.- 12. Set sail of the APD "ARC. "ALMIRANTE BRION" according to Oroper No. 152-CFNA-68, with the aim of carrying out machinery tests - during its activation phase. 13. Set sail of the ARC. "7 DE AGOSTO" with - the aim of carrying out the training of the Unit Level according to Oroper No. 155-CFNA-68.- 14. Set sail of the ARC. "CAPITAN FRITZ HAGALE" according to Oroper No. 154-CFNA-68 with the purpose of relaying the ARC. "Ltn. HERNANDO GUTIERREZ", which returned to BN1 to undergo minor repairs.- 15. Continuation of the repairs of the Units Afloat.-

b. 1. Cartagena-Buenaventura, on board of the ARC. "SANCHO JIMENO".- 2. Zone of Barrancabermeja following orders from the Commands of the 4th and 5th Brigades.- - 3. 8. 9. 12. 13. BN1 - Area of Operations- BN1.- 4. Bocachica-Cartagena.- 5. Cartagena-Bocachica, to the President of the Republic and its retinue with the goal of embarking the School Sailing Ship ARC. "GLORIA".- 6. From Cartagena to the hamlets located in the Cauca River Branch.- 7. Boston-Cartagena.- 10. Cartagena-San Andrés Islands-Cartagena.- 11. Cartagena-San Andrés-Cartagena.- 14. Cartagena-Barrancabermeja.- 15. Major repairs in BN1: ARC. ARC. "CIUDAD DE QUIBDO".- Minor repairs: ARC. "MAMONAL", ARC. "ESPARTANA".-

c. 1. 2. 4. 5. 8. 9. 13. Good.- 3. Negative. 6. 10. 11. 12. 15. In development.- 7. 14. No News.

RESERVED -2-

2. DEGREE OF ENLISTMENT:

a. The personnel continue its education and training on board of the Units.
b. Agreement on Educational Plans and training of each Unit.-
c. GOOD.-

3. ORDEN PUBLICO:

a. None.
b. None.
c. None.

4. CIVIC MILITARY ACTION:

a. The programs of Civic Naval Action continue with the ARC Units "SOCORRO" and ARC. "MAYOR MARIO SERPA" in coordination with the Health Section of the

Department of Bolivar, in the hamlets of Canal del Dique and the Zones of the Rivers Magdalena, Cauca and Sinú.-
b. Agreement on Programs.-
c. Very Good.-

5. NEWS ABOUT PERSONNEL: Deaths by:

a. None.
b. On November 23-68, CPIM. MEJIA PEREZ Nepomuceno, member of the Naval Infantry Battalion No. 1., and in ST in the River Fleet, (ARC. "Ltn. HERNANDO GUTIERREZ").-
c. None.-

6. GENERAL OBSERVATIONS:

None

Annex 133

RESOLUTION N° 206 FROM THE COLOMBIAN INSTITUTE FOR AGRARIAN REFORM (INCORA), 16 DECEMBER 1968

(La Isla de San Andrés - Contribuciones al conocimiento de su ecología, flora, fauna y pesca, Instituto de Ciencias Naturales, Facultad de Ciencias, Universidad Nacional, 1969, pp. 129-142)

RESOLUTION No. 206 OF 1968
(16 December)

By virtue of which the lands in the Archipelago of San Andrés and Providencia are excluded from the territorial reserve of the State and certain sectors therein are declared as special reserves.

THE BOARD OF DIRECTORS OF THE COLOMBIAN INSTITUTE FOR AGRARIAN REFORM,

In exercise of its legal and statutory powers, especially those conferred upon it by Article 1, 3 and 39 of Law 135 of 1961 and Article 13 of Law 2 of 1959, and

CONSIDERING:

Under the provisions of Article 3 of Law 135 of 1961, the Institute issued Resolution No. 03465 of 9 April 1968, ordering to start the necessary administrative action for the clarification of the legal situation of the lands comprising the Archipelago of San Andrés and Providencia;

Upon the expiration of the time-limit fixed in that Resolution for the production of the required evidence, the Board of Director takes the following considerations into account in order to make its decision:

1. Historical background.

The colonization of the Archipelago was started by Englishmen, approximately during year 1629. Since that date the islands were disputed by the British, the Dutch and the French, who converted them in a piracy center for the Caribbean. Around year 1640 the Spanish started making incursions in the Archipelago, with the aim of expelling the pirates, but it was only in 1786 that a Convention between the courts of Madrid and London “put an end to these usurpations with the eviction of the British subjects from

these parts of the Spanish realm…and those settled in the island of San Andrés were put in ships dispatched to that effect in the following year of 1797 (SIC)" (Poblaciones varias, Vol. II, Folios 471 to 479, Historical National Archive).

In year 1792, by order of the Spanish King, Viceroy Ezpeleta authorized those occupying the islands of San Andrés and Providencia to remain there with the status of vassals and in 1809 that authorization was ratified, on condition that the islanders would build a Catholic church, would keep the priest that was going to be sent, would learn the Spanish language and would refrain from trading with foreigners.

Despite that in 1810 the islands of San Andrés and Providencia had more than 1.300 inhabitants, the ownership over the islands belonged exclusively to Spain and the islanders were authorized to remain there only on condition that they swore allegiance to the King.

In 1822 the islanders expressed their adherence to the Constitution of Cúcuta and from that time the Archipelago was considered as part of Gran Colombia. In 1853 it is clearly established that the islands form part of the Canton of Cartagena.

The National Intendancy of Providencia was created and organized by means of Law 52 of 26 October 1912. Currently, it comprises the municipalities of San Andrés and Santa Isabel, as well as several Police Inspections.

2. Geographic, geological and climate features of the Archipelago.

The Archipelago of San Andrés and Providencia is located some 650 kilometers from the northern coast of Colombia; it has a total area of approximately 55 square km. and a population of 16.731 inhabitants, according to the census carried out in 1964.

The Archipelago is composed of the islands of San Andrés, Providencia and Santa Catalina, and by a group of cays, islets and banks extending from North to South, staring at Pedro Banck [sic] (Jamaica) and ending south and south-east of San Andrés, for over some 500 km. Essentially, these cays are formed by calcareous sand and are to wit: Johnny Cay, Rose Cay, Rocky Cay, Haynes Cay, Cotton Cay, East Southeast, Albuquerque Cay, Grunt Cay, Grasey Cay, Roncador Bank, Serrana Bank, Serranilla Bank, Serranilla Cay and Quitasueño Bank.
(…)

The average temperature in the islands is not subject to drastic change. The hotter month is August, with 27.80° Celsius and the coldest is February, with 26.20° C.

The privileged location of the islands precludes that they are hit by the frequent hurricanes that are a feature of the Caribbean Sea.
(…)

3. Biological and ecological aspects.
(…)

4. Fauna and flora.
In the Archipelago there is a large variety of native birds. There are also several species of crab, including some species of hermit crab and black crab, very sought after because of its meat.
(…)

Apart from fish, in the coral shelf several types of sea birds are found.
In the cay of Albuquerque the "Bobby" (Sula sula) nests and in the cays of Serranilla, Roncador and Quitasueño there are sizeable colonies of nesting of booby birds, which are exploited for eggs, without any control whatsoever, by Jamaican fishermen, during the months of June to August.

5. Other aspects.
(…)

6. Legal aspects.
(…)

Article 878 of Law 106 of 1873 (Tax Code) establishes a presumption that the lands located in the islands in both seas of the Republic belong to no one, on the condition that they were not occupied by organized populations or by particular populations holding a valid title, prior to the enactment of that Law.
(…)

Subsequently (…) Article 45, letter b) of the Tax Code of 1912 (Law 110) classified the sea islands as "special lands belonging to no one" and Article 107 of the same Law reserved them and precluded them from being adjudicated by providing that "The territorial reserve of the State is composed of the following lands, which are not to be transferred or sold under any circumstance: a) The national islands, in both seas of the Republic…"
(…)

Given that there is no evidence that there is any valid original title issued by the State over any part of the Archipelago of San Andrés and Providencia and prior to the date of that legislation, it is to be concluded that the regime of territorial reserves set up by article 919 of Law 106 of 1873 and 107 of Law 110 of 1912, has operated over the islands, cays and banks that compose the Archipelago of San Andrés and Providencia.
(…)

RESOLVES:

Article One: To declare that the islands, islets, cays and banks forming the Archipelago of San Andrés and Providencia have not been taken out of the national patrimony and

are, therefore, lands belonging to no one and constituting territorial reserve of the State.

Article Two: To exclude from the Territorial Reserve of the State the islands of San Andrés, Providencia and Santa Catalina, the cays [of] Sucre (Johnny), Acuario (Rose), Rocoso [Rocky], Algodón [Cotton], Alburquerque, E-SE [East-Southeast], Córdoba, Santander, Casabaja, Hermanos [Brothers], Del Valle, Cangrejo [Crab] and Serrana; the banks [of] Roncador, Serranilla, Quitasueño, Bajo Nuevo and Alicia, and the other islets, cays and banks that are part of the Archipelago of San Andrés and Providencia and constitute the national Intendancy by the same name.

Article Three: To declare as special reserve zones, with the purpose of preserving the flora, fauna, lake levels, the creeks and natural scenic beauties, the following sectors of the Archipelago of San Andrés and Providencia.
(…)

CAYS AND BANKS

Preservation Zones
(…)

b) The Cay of Serrana and the banks of Roncador, Quitasueño, Serrana, Serranilla, Bajo Nuevo and Alicia

Article Four: To declare as special reserve zones for tourism purposes the following sectors of the Archipelago of San Andrés and Providencia:

Cays and banks

All of the cays and banks that form part of the Archipelago of San Andrés and Providencia, excluding Cangrejo and Serrana Cays as well as the banks of Roncador, Quitasueño, Serranilla, Bajo Nuevo and Alicia, comprised within the intangible preservation zones dealt with in the previous article and the cay Casabaja, which will be devoted to scientific purposes.

Article five: Within the intangible preservation zones described in Article 3 of the present Resolution it is forbidden to occupy the land, to hunt or to fish. All kinds of activity in industry, cattle or agriculture that is incompatible with the preservation of the flora, fauna, water sources and scenic nature beauties is also forbidden.

Paragraph. The only activities that may be carried out within those zones are those of a scientific nature, overviewed by the INDERENA in accordance to the provisions of Decree 2420 of 1968.

Article six: Within the preservation zones established in Article 3, the natural resources can be exploited only in accordance with the regulations issued to that effect by INDERENA.
(…)

To be copied, communicated, published and obeyed.

Given in Bogota, D.E., on 16 December 1968.

The Chairman of the Board,
(signed) ENRIQUE PEÑALOZA CAMARGO

The Secretary
(signed) GABRIEL CAMACHO MACIAS

Annex 134

COLOMBIAN RESOLUTION N° 092 FROM THE COLOMBIAN INSTITUTE FOR AGRARIAN REFORM (INCORA), 30 JUNE 1969

(La Isla de San Andrés - Contribuciones al conocimiento de su ecología, flora, fauna y pesca, Instituto de Ciencias Naturales, Facultad de Ciencias, Universidad Nacional, 1969, pp. 143-148)

RESOLUTION No. 92 OF 1969
(30 June)

By virtue of which Resolution No. 206 of 1968, concerning the Archipelago of San Andrés and Providencia, is modified

THE BOARD OF DIRECTORS OF THE COLOMBIAN INSTITUTE FOR AGRARIAN REFORM,

In exercise of its legal and statutory powers, and

CONSIDERING:

(…)
Article One: Article second of Resolution No. 206 of 1968 is amended so that it reads:

To exclude from the Territorial Reserve of the State the islands of San Andrés, Providencia and Santa Catalina.

Continuing in the same reserve regime are the Cays [of] Sucre (Johnny), Acuario (Rose), Rocoso [Rocky], Algodón [Cotton], Alburquerque, E-SE [East-Southeast], Córdoba, Santander, Hermanos [Brothers], Del Valle, Cangrejo [Crab] and Serrana; the banks of Roncador, Serranilla, Quitasueño, Bajo Nuevo, Alicia, and the other islets, cays and banks that are part of the Archipelago of San Andrés and Providencia.

Article Two: Articles three, four, five, six, seven and eight of Resolution No. 206 of 1968 are hereby derogated.
(…)

Article five: This Resolution enters into force on the date of its issuance.

To be copied, communicated, published and obeyed.

Given in Bogotá, D.E., on 30 June 1969.

The Chairman of the Board,

(signed) ENRIQUE PEÑALOSA CAMARGO

The Secretary

(signed) GABRIEL CAMACHO MACIAS

Annex 135

PERIODIC REPORT N° 8 OF THE COMMAND OF THE ATLANTIC NAVAL FORCE, CARTAGENA, 31 AUGUST 1969

(Archives of the Colombian Navy)

(stamped)
RESERVED COPY No. 1 of 2
Atlantic Naval Force Command
Cartagena
31 August 1969

PERIODIC REPORT OF OPERATIONS No. 8
Period covered: 1-31 August 1969

1. OPERATIONS CARRIED OUT DURING THIS PERIOD:

1. Sovereignty and surveillance

(…)
2. Joint Operations

1. Mission description

1. ARC "PEDRO DE HEREDIA" leaves port in compliance with Operation Order No. 106-CFNA-69, in a search and rescue mission of the towboat "ROSE MARY", which went adrift and subsequently was lost in the route Turbo-San Andrés.

2. ARC "GORGONA" leaves port in compliance with Operation Order No. 107-CFNA-69, in a search and rescue mission of the towboat "ROSE MARY".

3. Aerial reconnaissance with units of the Squadron for Aerial and Navy Tactical Support in order to provide support to the towboat "ROSE MARY", in coordination with units afloat of the Atlantic Naval Force and other forces taking part in the Search and Rescue Operation.

4. (…)

5. Participation of ARC "PEDRO DE HEREDIA" and airplane CATALINA FAC-263 in the Search and Rescue Operation of the motorboat "WAVE CREST", which went

adrift in the zone of San Andrés and Providencia.

2. Location

1. Cartagena - San Andrés - Providencia - Cartagena
2. Cartagena - San Andrés - Cartagena
3. Area of Cape Tiburón - Coast of Nicaragua, Corn Island, San Andrés and Providencia
4. (…)
5. Area comprised between San Andrés, Providencia and Quitasueño, Corn Island and the Coast of Nicaragua - Providencia

3. Results

1. Good
2. Good
3. Good. - The towboat “ROSE MARY” was located by ARC “GORGONA” at 10 miles SW of Albuquerque Cay - It was escorted by the same unit up to San Andrés S/N.
4. (…)
5. Good. - The motorboat “WAVE CREST” was located by the fishing boat “EL CHIQUITA”, and was towed up to Puerto Azul in Quitasueño. They remained in the area until the arrival of ARC “PEDRO DE HEREDIA” in order to provide assistance.

3. Combined Operations
(…)
4. Training Operations
(…)
5. Transportation
(…)
6. Miscellanea
(…)
2. ALERT LEVEL
(…)
3. PUBLIC ORDER
(…)
4. *CIVIC-MILITARY ACTIONS*
(…)
5. PERSONNEL NEWS
(…)
6. GENERAL REMARKS
(…)

Annex 136

FILE N° 001/71 OF THE PORT CAPTAINCY OF SAN ANDRÉS, OFFICE OF INVESTIGATION, 30 OCTOBER 1971

(Archives of the Colombian Navy)

MILITARY FORCES OF COLOMBIA
NATIONAL NAVY

San Andrés, 30 October 1971

REF.: Expert opinion

TO: Frigate Captain
COMMANDER ARC "20 OF JULY"

I write in compliance with the Order for the Appointment of An Expert, in order to report in the inspection carried out with regard to the equipment and telegraph of the Steamship M.S. 'NICODEMUS", which ran aground in the shoal of Serrana. The following actions were pursued accordingly:

1.- GENERAL SITUATION

a.- The Steamship M.S. 'NICODEMUS" ran aground on 30 September 1971 in the shoal of Serrana at approximately 02:00 hours. The ship's hull is now broken in the bow's crutch tanks and holds 1 and 2 are partly flooded, for the bow is resting on the shoal. Starting at the Master Section the ship is in good condition and without problems in the hull.

b.- The machinery room is located in Section "C" of the ship. The propeller plant has an engine of the brand "NORDBERG", built in the U.S.A. in year 1945 (…).

c.- The electrical generator has two main generators and one auxiliary generator, the three of them using diesel engines (…)

2.- INSPECTION

I went in the company of Mr. TZANAVARAS ELIAS, who is the Head of Machinery

since 15 months ago. I carried out a visual inspection on the machines, most of which are insured. (…)

3.- CONCLUSIONS

The running aground did not occur because of any fault in the machinery. As the Captain of the Steamship relates, at the time of departure the engine was stopped without any problem. (…)

Truly yours,

(signed)
Navy Lieutenant MIGUEL RAMIREZ ARIAS
Registered Naval Expert

Annex 137

NOTE N° 71/33, FROM THE COLOMBIAN CONSULATE IN KINGSTON, JAMAICA, TO THE COLOMBIAN FOREIGN MINISTER, 4 AUGUST 1972

(Archives of the Ministry of Foreign Affairs of Colombia)

CONSULATE OF COLOMBIA
KINGSTON, JAMAICA

4 August 1972
No. 71-33

Mr.
Minister of Foreign Affairs
Bogotá

Subject: Request of permission to fish in the Cays of Serrana and Roncador.-

Mr. Minister,

In order that the required measures are taken, I am pleased to inform you that the US citizen, born in Jamaica, Mr. Louis Elliott, Manager and CEO of the company Epco Fishing Industry Limited, from this city, is requesting from the Government of Colombia permission to fish lobster and scaly fish in the Cays of Serrana and Roncador.

The fishing operation would start in the 15th of January next, comprising six vessels of 55 tons (78 tons gross), each of them having a Captain and a crew of eight men. The product of the fishing will be brought to Jamaica in order that it is transported by sea to the markets of the United States.

The person in question has presented at this Consulate a communication from the State Department of the United States where the US Government grants him permission to fish in the above mentioned areas, within a 12 mile zone measured from the low-water mark of the said Cays. In the third paragraph of the communication from the US Department, a photocopy of which is attached for better understanding of that Ministry, the following can be read: “You will also be informed that the Cays of Roncador and Serrana are also claimed by the Government of the Republic of Colombia. However, that Government

has agreed not to interfere with the fishing of the citizens and vessels of the United States in the waters appurtenant to those Cays."

Mr. Elliot mentioned to me, and confirmed it in writing, that he intends to build a wooden hut with a zinc roof in one of the Cays, so that in cases of heavy rain or hurricane the sailors have a place to shelter.

The written request presented to this Consulate by this person is attached.

I remain from the Minister, truly yours,

(signed)
FRANCISCO FANDIÑO SILVA
Minister Plenipotentiary

Enclosed:
Communication by Mr. Elliott
Communication from the US Department of State

Annex 138

COLOMBIAN NAVY RESOLUTION N° 282, 10 JULY 1975

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA

MINISTRY OF NATIONAL DEFENSE
NATIONAL NAVY

MARITIME AND PORT DIRECTORSHIP OF THE COLOMBIAN NAVY
RESOLUTION NUMBER 000282 OF 10 JULY 1975

By virtue of which Resolutions Nos. 0039 of 1972 and 066 of 1974 are amended and jurisdictional limits are established for the Port Captaincies.

THE MARITIME AND PORT DIRECTOR-GENERAL,
in exercise of his legal powers, in particular those granted to him under Legislative Decree No. 2349 of 1971, and,

WHEREAS:

It is necessary to determine the limits of the territorial jurisdiction of the Port Captaincies and to identify those Captaincies of Second Degree, which will depend from Captaincies of the First Degree.

RESOLVES:

ARTICLE 1o.- The Port Captaincies along the Atlantic coastline will exercise their jurisdiction within the territory comprised by the following limits, in the manner indicated below:

1. PORT CAPTAINCY OF "PUERTO LOPEZ"
(…)

2. PORT CAPTAINCY OF 'MANAURE'
(…)

3. PORT CAPTAINCY OF ‘RIOACHA”
(…)

4. PORT CAPTAINCY OF “SANTA MARTA”
(…)

5. PORT CAPTAINCY OF “BARRANQUILLA”
(…)

6. PORT CAPTAINCY OF “CARTAGENA”
(…)

7. PORT CAPTAINCY OF “COVEÑAS”
(…)

8. PORT CAPTAINCY OF “TURBO”
(…)

9. PORT CAPTAINCY OF “SAN ANDRÉS”

In the Island of San Andrés, the Cays of Alburquerque and those of East-Southeast (Bolívar)

10. PORT CAPTAINCY OF “PROVIDENCIA”

In the Island of Providencia, the Cays of Roncador and Quitasueño, the Cays of Serrana and Serranilla, the Alicia Bank, Bajo Nuevo and the Bank of Rosalinda.

(…)

ARTICLE 4o.- The Port Captaincies will exercise their powers and duties in the jurisdictional waters, boundary rivers usable for navigation, coasts, shores and Ports of the Republic within the geographical limits laid down in the present Resolution.

ARTICLE 5o.- For the purposes of Chapter V of Legislative Decree No. 2349 of 1971, the Port Captaincies of Second Degree will depend from the Port Captaincies of First Degree in the following manner:

(…)

b) To the Port Captaincy of Cartagena the Port Captaincies of:

Coveñas
San Andrés
Providencia
Carreño

(…)

ARTICLE 6o.- In case of conflicting jurisdictions, the Maritime and Port Directorship will decide.

ARTICLE 7o.- The maritime areas defining the limits of this Resolution are those established by the geographic coordinates shown in Nautical Chart N.O. 24036 for the Atlantic and N.O. 21033 for the Pacific.

ARTICLE 8o.- This Resolution is applicable as of the time it is issued.

TO BE COPIED, PUBLISHED AND EXECUTED.

Given in Bogotá, D.E., on 10 July 1975

(signed)
Rear Admiral GUIDBERTO BARONA SILVA
Maritime and Port Director-General

(signed)
CARMEN ELENA DE ANZOLA
Secretary-General
Maritime and Port Directorship

CHM./gcs.

Annex 139

RESOLUTION N° 16 FROM THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 12 JANUARY 1977

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA
MINISTRY OF NATIONAL DEFENSE
NATIONAL NAY

MARITIME AND PORT DIRECTORSHIP OF THE COLOMBIAN NAVY RESOLUTION NUMBER 000016 OF 12 JANUARY 1977

By virtue of which permission is granted to Doctor ALEJANDRO LONDOÑO GARCÍA to carry out operations of scientific, experimental and commercial fishing with a vessel under a foreign flag in Colombian waters and a security is provided for.

THE MARITIME AND PORT DIRECTOR-GENERAL,
in exercise of his legal powers, and,

WHEREAS:

Doctor ALEJANDRO LONDOÑO GARCÍA, Fishing Biologist registered under No. 009 with the Institute for the Development of Natural Renewable Resources (INDERENA) has requested authorization in order to conduct scientific, experimental and commercial fishing activities of lobster in Colombian waters appurtenant to the Island of San Andrés and Providencia and adjacent areas with Motor ship “MISS GENELLE”, flying the Nicaraguan flag;

The particulars of the said Motor ship are as follows:

NAME: MISS GENELLE
TYPE: FISHING BOAT
Gross Tonnage: 70 T
Net Tonnage: 50 T
LENGTH: 64 feet and 5"
WIDTH: 18 feet and 6"
STANCHION: 9 feet and 6"
DRAFT: 8 feet

HULL: STEEL
ENGINE: CARTERPILLAR MODEL D 342 2 HP
RADIOTELEPHONE: S.S.B.
REGISTER: Nicaraguan
FLAG: Nicaraguan

The fishing program is divided into six areas corresponding to the Islands of San Andrés, Providencia, Bank of Serrana and Serranilla, Roncador and Quitasueño, Cays of Alburquerque East and Southeast, comprised between latitudes 12 N and 15 N and longitudes 80 W and 82 W.

The Institute for the Development of Natural Renewable Resources (INDERENA) issued Resolution No. 1420 of 22 December 1976, authorizing Fishing Biologist Doctor ALEJANDRO LONDONO GARCIA the use of the Motor ship of Nicaraguan flag "MISS GENELLE" for a period of ninety days.

The Port of Operation of the Motor ship "MISS GENELLE" will be the Island of San Andrés and its Maritime Agent is Mr. WISTON FRANCIS BERNARD, holder of License No. 0043 issued by the Maritime and Port Directorship.

The Head of the Oceanography Division of the Maritime and Port Directorship gave a favorable opinion on Fishing Biologist Dr. ALEJANDRO LONDONO GARCIA's request.

The legal and procedural requirements have been complied with and the Maritime and Port Directorship is empowered by Decree No. 2349 of 1971 to issue this type of permissions.

RESOLVES:

ARTICLE 1o.- TO GRANT permission to Doctor ALEJANDRO LONDOÑO GARCÍA, to undertake operations for scientific, experimental and commercial fishing with the Motor ship "MISS GENELLE", of Nicaraguan flag and with the particulars listed above, in the described areas of the Archipelago of San Andrés and Providencia, with the exception of the Island of San Andrés, for ninety (90) days.

ARTICLE 2o.- At the expiry of the said permission, doctor ALEJANDRO LONDOÑO GARCÍA is to deliver to this Directorship a copy of the results obtained.

ARTICLE 3o.- Whenever it considers it convenient, the Maritime And Port Directorship may send an Inspector on board of the Motor ship "MIS GENELLE" and in that event doctor ALEJANDRO LONDOÑO GARCÍA will be responsible for the costs involved with tickets, per diem, lodging and nourishment.

ARTICLE 4o.- To demand from doctor ALEJANDRO LONDOÑO GARCÍA, with

Registry Card No. 009 and Colombian ID No. 17.102.220 from Bogotá, a security payable to the Maritime And Port Directorship for the amount of THREE HUNDRED THOUSAND PESOS ($ 300.000.00), in order to cover the operation while the Motor ship “MISS GENELLE”, of Nicaraguan flag, remains in Colombian waters, in compliance with the legal provisions applicable to the Colombian Merchant Navy.

ARTICLE 5o.- This Resolution will be notified by the Secretariat of the Maritime And Port Directorship, which will also forward a copy to the Institute for the Development of Natural Renewable Resources (INDERENA), to the Port Captaincy of San Andrés, Providencia. A copy will also be sent to the Archives of the Maritime and Port Directorship.

ARTICLE 6o.- This Resolution is applicable as of the time it is issued.

TO BE COPIED, PUBLISHED AND EXECUTED.
Given in Bogotá, D.E., on 12 January 1977

(signed)
Rear Admiral MIGUEL CEDIEL NAVARRO
Maritime and Port Director-General

(signed)
Navy Captain JORGE GUERRERO ECHEVERRY
Secretary-General

Annex 140

RESOLUTION N° 169 FROM THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 29 MARCH 1977

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA

MINISTRY OF NATIONAL DEFENSE
NATIONAL NAY

MARITIME AND PORT DIRECTORSHIP OF THE COLOMBIAN NAVY
RESOLUTION NUMBER 0000169 OF 29 MARCH 1977

By virtue of which the permission referred to in Resolution No. 00016 of 12 January 1977 is extended

THE MARITIME AND PORT DIRECTOR-GENERAL,
in exercise of his legal powers, and,

WHEREAS:

By means of a request dated 24 March 1977, Doctor ALEJANDRO LONDOÑO GARCÍA, Fishing Biologist registered under No. 009 with the Institute for the Development of Natural Renewable Resources (INDERENA), has requested an extension of the permission granted under Resolution No. 00016 of 12 January 1977 to the Motor ship "MISS GENELLE", of Nicaraguan flag, until 11 June 1977, due to unforeseen factors, in particular the bad weather registered in the research areas in San Andrés and Providencia and appurtenant areas.

The legal and procedural requirements have been complied with and the Maritime and Port Directorship is empowered by Decree No. 2349 of 1971 to issue this type of permissions.

RESOLVES:

ARTICLE1o- TO EXTEND until 11 June 1977 the permission granted to Doctor ALE-

JANDRO LONDOÑO GARCIA referred to in Resolution No. 00016 of 12 January 1.977, to undertake scientific, experimental and commercial fishing operations with the Motor ship “MISS GENELLE” of Nicaraguan flag.

ARTICLE 2o.- This Resolution will be notified by the Secretariat of the Maritime and Port Directorship, which will also forward a copy to the Institute for the Development of Natural Renewable Resources (INDERENA), to the Port Captaincy of San Andrés, Providencia. A copy will also be sent to the Archives of the Maritime and Port Directorship.

ARTICLE 3o.- This Resolution is applicable as of the time it is issued.

TO BE COPIED, PUBLISHED AND EXECUTED.

Given in Bogotá, D.E., on 29 March 1977

(signed)
Rear Admiral MIGUEL CEDIEL NAVARRO
Maritime and Port Director-General

(signed)
Frigate Captain GUSTAVO ANGEL MEJÍA
Secretary-General

Annex 141

RESOLUTION N° 580 FROM THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 4 OCTOBER 1977

(Archives of the Colombian Navy)

Republic of Colombia
Ministry of National Defense
National Navy

Maritime and Port General Directorship
Resolution number 000580 of 4 Oct. 1977

Whereby a permit is granted to the "Compagnie Generale de Geophysique" to carry out oil prospection works in Colombian jurisdictional waters, in areas of the Archipelago of San Andrés and Providencia with the ship "Dauphin de Cherbourg".

The Maritime and Port Director-General, in his legal capacity and those conferred by Decree-Law 2349 of 1971, and

Considering:

That Mr. Francisco Soto Berardinelli, in his capacity as legal representative of the "Compagnie Generale de Geophysique" has requested a permit in order for the Company he represents to be able to carry out oil prospection works in Colombian jurisdictional waters in areas of the Archipelago of San Andrés and Providencia, with the ship "Dauphin de Cherbourg", bearing the French flag.

That these oil prospection works will be carried out pursuant to an association agreement with the Colombian Oil Company (ECOPETROL), in an area of thee thousand one hundred (3,100) kilometers, in Colombian jurisdictional waters in areas of the Archipelago of San Andrés and Providencia.

That the ship's characteristics are the following:
(…)

That the National Institute of Renewable Natural Resources and Environment (INDERENA), the Hydrocarbons Division of the Ministry of Mines and Energy and the Oceanography Division of the Maritime and Port General Directorship have rendered favorable opinions on the oil prospection works to be carried out.

That those works shall have a duration of two (2) months as of 3 October of the current year.

Decides:

Article 1. To authorize, as he indeed authorizes, the "Compagnie Generale de Geophysique", to carry out the oil prospection works that the motive section of this resolution describes, for the term of two (2) months as of 3 October 1977.

Article 2. The ship "Dauphin de Cherbourg", of French flag, is also authorized to navigate between the Ports of Providencia, San Andrés (Island), Cartagena, and the area of operation within the authorized period.

Article 3. The "Compagnie General de Geophysique", undertakes the following obligations:

1. To strictly comply with the provisions on this matter enshrined in Decree-Law 2349 of 1971 and other concordant provisions.

2. To strictly comply with the provisions of Decree No. 1895 of 1973 with regard to seismic explorations at sea.

3. To provide transport, per diems, room and board for the officials designated by the National Navy -Maritime and Port General Directorship, and the National Institute of Renewable Natural Resources and Environment (INDERENA), to inspect the works.

4. To furnish authentic copies of the charts submitted with the request to the representatives of the national entities, for controlling navigation.

5. To facilitate the inspectors' access to all the information gathered on the ship and all the ship's locations.

6. To provide the Ministry of Mines and Energy all the information obtained from the exploration.

7. To inform the National Institute of Renewable Natural Resources and Environment (INDERENA), the Ministry of Mines and Energy and the Maritime and Port General Directorship of the date of the arrival of the ship to the work area as well as of the start of the works.

8. To indemnify the Nation and/or individuals for damages that might be caused as a result of the works.

9. To submit a guarantee deposit in favor of the Maritime and Port General Directorship in the amount of one million pesos (1'000,000.oo) legal tender, to account for cases of

contamination whether from the works or the ship the operation of which is hereby authorized.

10. To inform the Captain of the ship and other persons involved in the operations on the compliance with this resolution and norms of the Colombian Merchant Marine.

11. The authorized ship must have the adequate equipment for controlling oil contamination in case a spill occurs during the operations.

Paragraph: In case of non-compliance or breach of some of the rules quoted above, the penalty shall be the immediate cancellation of the present permit, without prejudice to fines and other penalties ordered by law.

Article 4. In the absence of the inspector that supervises the works on behalf of the Maritime and Port General Directorship, the Port Captains, as maritime authorities, shall perform the respective controls.

Article 5. The Documenting Secretary shall notify the present resolution and send copies thereof to the Ministry of Foreign Affairs, the Ministry of Mines and Energy, the National Institute of Renewable Natural Resources and Environment (INDERENA), the Port Captaincies of San Andrés and Providencia (Island), and the Customs General Directorship.

Article 6. The present resolution is effective as of the date of its execution.

Be it copied, notified and complied with,

Issued in Bogotá, D.E., on 4 Oct. 1977

(Signed)
Rear Admiral Fernando Camacho Landinez
Maritime and Port Director-General

Lieutenant Alfonso Calero Espinosa
Secretary-General
Maritime and Port General Directorship

Annex 142

COLOMBIAN LAW N° 10 ON MARITIME SPACES, 4 AUGUST 1978

(Diario Oficial N° 34077, 18 August1978. p. 57)

Law 10 of 1978
(August 4)
whereby rules on Territorial Sea, Exclusive Economic Zone and Continental shelf are set, and other provisions are issued

The Congress of Colombia

Decrees:

Article 1. The territorial sea of the Colombian Nation over which it exercises full sovereignty extends beyond its mainland and insular territory and its internal waters up to a breadth of 12 nautical miles or 22 kilometers 224 meters.

The national sovereignty also extends to the space situated above the territorial sea, as well as to the seabed and subsoil of this sea.

Article 2. The ships of any State enjoy the right of innocent passage through the territorial sea, pursuant to the rules of international law.

Article 3. The outer limit of the territorial sea is determined by a line drawn so that its points are located at a distance of 12 nautical miles from the nearest points of the baselines referred to in the following article.

Article 4. The normal baseline for measuring the breadth of the territorial sea shall be the low-water mark along the coast. In places where the coast has deep openings or indentations, or where there is a fringe of islands along the coast located in its immediate vicinity, the measurement shall be taken from the straight baselines joining the relevant points. The waters located between the baselines and the coast shall be considered as internal waters.

Article 5. In gulfs and bays the natural entrance points of which are at a distance under 24 miles, the territorial sea shall be measured from a demarcation line joining the referred-to points. The waters enclosed by that line shall be considered internal waters.

If the mouth of the gulf or bay exceeds 24 nautical miles, a straight baseline of that

length may be drawn within it, enclosing the maximum possible area of water.

Article 6. In rivers flowing directly into the sea, the baseline shall be a straight line drawn across the mouth of the river between the points on the low-water line of its banks.

Article 7. Adjacent to the territorial sea, an exclusive economic zone the outer limit of which shall extend up to 200 nautical miles, measured from the baselines from which the breadth of the territorial sea is measured, is established.

Article 8. In the zone established in the preceding article, the Colombian Nation shall exercise sovereign rights for the purpose of sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the seabed and its subsoil, and of the waters superjacent [to the seabed]; also, it shall exercise exclusive jurisdiction for scientific research and for the preservation of the marine environment.

Article 9. Pursuant to this Law, the Government shall proceed to state the lines referred to in the preceding articles on its mainland territory, on the Archipelago of San Andrés and Providencia and other insular territories. They shall be published in the official nautical charts, in accordance with the rules of international law on the matter.

Article 10. The sovereignty of the Nation extends to its continental shelf for the purpose of exploring and exploiting the natural resources.

Article 11. The National Government is granted powers, for the term of twelve months, as of the signing into law of this Law, to issue the provisions, reorganize the national administrative entities and dependencies, or to create those which might be necessary, to provide for the surveillance and defense of the Colombian maritime areas and achieve the due use of the living and non-living natural resources located in them, for the benefit of the needs of the Colombian people and the economic development of the country.

By virtue of these powers the National Government shall be enabled to contract loans, make the necessary budgetary provisions and transfers that it deems fit.

Article 12. The provisions contrary to the present Law are derogated.

Article 13. This Law shall rule as of [the date of] its promulgation.

Issued in Bogotá, D.E., on 25 July 1978.

The President of the honorable Senate, Guillermo Plazas Alcid. The President of the honorable Chamber of Representatives, Jorge Mario Eastman. The Secretary-General of the honorable Senate, Amaury Guerrero. The Secretary-General of the honorable Chamber of Representatives, Jairo Morera Lizcano.

Republic of Colombia - National Government
Bogotá, D.E., 4 August 1978.

Be it published and executed.

Alfonso López Michelsen

The Minister of Foreign Affairs, Indalecio Liévano Aguirre.

Annex 143

COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP STUDY OF MARITIME SIGNALING SYSTEM FUELED BY SOLAR ENERGY, INCLUDING LIGHTHOUSES IN THE ARCHIPELAGO OF SAN ANDRÉS, 3 DECEMBER 1980

(Archives of the Colombian Navy)

National Defense Ministry
National Navy

Bogotá, 3 December 1980

Nº 031207R - DIMAR - DIVOC - 637

Subject: Study of Maritime Signaling System fueled by solar energy.
To: Mr. Rear Admiral
Maritime and Port Director-General

With regard to the study of the maritime signaling systems fueled by solar energy, I submit to Mr. Rear Admiral, Maritime and Port Director-General, the analysis of the information that this Division possesses in that respect:
(…)

II. Comparative study of the solar energy proposals submitted by the companies AGA and TIDELAND.
(…)

Recommendation: Following a thorough study of all the aspects of the Solar Energy Lighthouses and Buoys equipment, on the basis of the offers submitted by the companies AGA of Sweden and TIDELAND of the United States, and based on the comparative study attached hereto, it is suggested that the Maritime and Port General Directorship should acquire the equipment offered by Tideland Signal Corporation.

Sincerely,
(Signed)
Lieutenant-Commander Gustavo Fajardo Mendez
Chief of the Oceanography Division

… [Comparative chart follows] …

Notes and explanations on the chart “Comparative study of the proposal for lighthouses and buoys using solar energy, offered by the companies AGA of Sweden and TIDE-LAND SIGNAL Co. of the United States”

The explanations refer to the letters and numbers shown on the chart.

(1) AGA-Lighthouses

Solar panels: For Bolivar Cay, 8 “Lucas” K-1219 solar panels, with crystal on both sides are offered.

For the island of Providencia, 3 “Lucas” K-1219 solar panels.

For Low Cay, one “Lucas” K-1219 solar panel.

For Roncador and Bajo Nuevo, one “Lucas” K-1219 solar panel.

For Quitasueño and Serrana, 2 “Lucas” K-1219 solar panels.

For Serranilla, 6 Lucas solar panels, without specifying model.

For Alburquerque, 4 “Lucas” K-1219 solar panels.

(2) Tideland - Lighthouses

For Bolivar Cay, ten MG 650/6 solar panels with Pyrex glass on both sides.

For the rest of the lighthouses, six MG 650/6 solar panels, wired and fastened to a galvanized base with its corresponding pedestal.

(3) AGA

For Bolivar Cay and Alburquerque a lead calcium battery of 24 volts D.C.

For the rest of the lighthouses, a lead calcium battery of 12 volts D.C.

(4) Tideland

For Bolivar Cay, 8 batteries of 6 volts D.C. V6CR with its corresponding galvanized steel box.

For the rest of the lighthouses, 6 batteries for each one, of 6 volts V6CR type with its corresponding galvanized steel box.

(5) AGA

For Bolivar Cay and Alburquerque, a PRB-46 type lamp, with VAZ light bulbs, sealed, rotating without using gears.

For Providencia Island, LBEA-250 duplex lamp, with transistor-operated flash and double-filament light bulb.

(6) Tideland

For Bolivar Cay, double ML-300 type lamp with six 12-volt light bulbs, 3 amperes for each lamp with automatic lamp-changing system and transistor-operated flash. For the rest of the lighthouses, ML-300 lamps with six 12-volt light bulbs, 3 amperes for each lamp, with automatic lamp-changing system and transistor-operated flash

(…)

(16) Tideland

Offers for each device as a whole, a 1-year guarantee that can be extended to three, given the weather conditions prevailing in the area of the cays. Individually, they assure us that the batteries last for ten years and the set of six light bulbs for two years.

(17) AGA

The light reach of the AGA devices is the following:

Bolivar Cay:	26.8 nautical miles
Providencia Island:	16.3 " "
Low Cay:	9.5 " "
Roncador:	11.7 " "
Quitasueño:	14.0 " "
Serrana:	12.6 " "
Serranilla:	17.8 " "
Bajo Nuevo:	12.4 " "
Alburquerque:	20.7 " "

(18) Tideland

The light reach of the Tideland devices is the following:

Bolivar Cay:	18.0	nautical miles
Providencia Island:	15.0	" "
Low Cay:	15.0	" "
Roncador:	15.0	" "
Quitasueño:	15.0	" "
Serrana:	15.0	" "
Serranilla:	15.0	" "
Bajo Nuevo:	15.0	" "
Alburquerque:	15.0	" "

(…)

Annex 144

RESOLUTION N° 788 FROM THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 3 DECEMBER 1982

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA

MINISTRY OF NATIONAL DEFENSE
NATIONAL NAVY
MARITIME AND PORT GENERAL DIRECTORSHIP

RESOLUTION No. 0788 OF 3 DECEMBER 1982

Authorizing GEOSOURCE EXPLORATION COMPANY to carry out seismic exploration operations in Colombian waters

THE MARITIME AND PORT DIRECTOR-GENERAL

In exercise of his legal powers and,

CONSIDERING :

That Dr. ANDRÉS RODRÍGUEZ PIZARRO, acting as legal representative of the society GEOSOURCE EXPLORATION COMPANY, has, by means of a written application filed before this Directorship, requested authorization in order that the above mentioned firm carries out seismic exploration works in several sectors of the Colombian coasts, both Atlantic and Pacific, in the coordinates described in folios 7-40 of the dossier.

That the same person also requests authorization to operate the Motor-ship 'GEOMAR II", flying the United States flag, in order to carry out the exploration work described (…)

That the operations of seismic exploration will be conducted in three (3) sectors called: 1) Cays; 2) Caribbean and c) Pacific, which are described in the corresponding annexes, covered by association contracts signed with the Colombian Oil Enterprise "ECOPETROL" (Folios 80-83).

That the estimated term for these operations is twelve (12) months.

(…)

RESOLVES :

Article 1. Dr. ANDRÉS RODRIGUEZ PIZARRO is hereby recognized as the legal representative of the firm GEOSOURCE EXPLORATION COMPANY.

Article 2. The society GEOSOURCE EXPLORATION COMPANY is authorized to carry out exploration works on the Colombian coasts on the Atlantic and Pacific Oceans, within the coordinates described in annexes 1, 2 and 3, which form an integral part of the present Resolution, for a term of twelve (12) months.

Article 3. The society GEOSOURCE EXPLORATION COMPANY is authorized to operate the M/N "GEOMAR II", flying the United States flag, in the same authorized areas and in between Colombian ports of the Atlantic and Pacific Oceans, for a term of twelve (12) months.

Article 4. The society GEOSOURCE EXPLORATION COMPANY undertakes to comply with the following:
(…)
5. To refrain from carrying out any operation or to place any installation to the west of meridian 82 W, in the area of the cays of the Archipelago.
(…)
7. To subject itself to the military regulations in force in the area of the Archipelago of San Andrés and Providencia.

8. To report to the Commander of the Special Command of San Andrés and Providencia, based on San Andrés Island, about the installation of stations in Providencia and Roncador, in the understanding that they are of a temporal nature.
(…)

Article 6. In addition to the other commitments it has entered into, the society GEOSOURCE EXPLORATION COMPANY shall inform the Port and Maritime Directorship, with five (5) days of notice, the date of arrival of the ship to Colombian waters, in order to appoint the Inspector who will oversee the operations.

Article 7. The present Resolution will be notified, via the Secretary-General, and copies of the same will be passed onto: Command of the Naval Force of the Atlantic, Command of the Naval Force of the Pacific, Special Command of San Andrés and Providencia, Port Captaincies of San Andrés, Providencia, Bahia Portete, Riohacha, Santa Marta, Barranquilla, Coveñas, Turbo, Buenaventura, Tumaco, Guapi, Bahía Solano, the National Institute of Renewable Natural Resources and the Environment "INDERENA",

the Ministry of Mining and Energy and the National Division of Customs.

Article 8. The present Resolution will be in force on the date it is notified and is subject to appeal and revision. The latter proceedings that may be instituted in writing within five (5) working days following its notification.

TO BE NOTIFIED AND EXECUTED.

Given in Bogotá, on 13 December 1982

(signed)
Rear Admiral JUAN PABLO HERRAN HERNANDEZ
Port and Maritime Director-General

(signed)
JOSE VICENTE CUARTAS VALENCIA
Secretary-General (acting)
Maritime and Port General Directorship

Annex 145

HISTORICAL LOG, *ARC PEDRO DE HEREDIA*, JULY 1983

(Archives of the Colombian Navy)

22-July-1983

Set sail

The unit sets sail to Albuquerque Cay to relay the marine infantry personnel; at 2212:00R begins the search and rescue of the motorboat “Marenostrum”, which is drifting. 2219:00 R the tow maneuver starts and the cove is initiated.

Annex 146

HISTORICAL LOG, *ARC CALDAS*, JUNE 1986

(Archives of the Colombian Navy)

4-June-1986

Oroper (Order of Operation) S&R

The unit heads to Quitasueño to carry out the search and rescue the sailboat It is a Paradise. Two castaways are rescued: Donald Campbell and Brigitte Campbell.

Annex 147

RESOLUTION N° 1162 FROM THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 14 NOVEMBER 1986

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA
MINISTRY OF NATIONAL DEFENCE
NATIONAL NAVY MARITIME AND PORT GENERAL DIRECTORSHIP

Resolution Number 1162 of 19-- (14 NOV. 1986)
By means of which operation permit is granted for fishing expeditions in Colombian jurisdictional waters to the fishing motorboat called "CASAO NAO" of North-American flag.

THE MARITIME AND PORTS DIRECTOR-GENERAL
In use of his legal faculties and,

CONSIDERING:

That according to the exchange of notes between the Government of Colombia and that of the United States of America, related to the latter's fishing rights in Colombian territorial waters, based upon the Vázquez-Saccio treaty of 1972 (September 8) that entered into force since the 1st of May 1984. The Border Division of the Ministry of Foreign Affairs, has requested from this General Directorship the issuance of an operation permit for fishing expeditions of the motorboat "CASAO NAO", of North-American flag, in the zone of Quitasueño, Roncador and Serrana.

That the National Institute for Natural Renewable Resources and the Environment INDERENA has granted the fishing patent No. 1497 valid through the 31st of December 1986.

That the Law Decree 2324 of 1984 submits to the jurisdiction of the Maritime and Port General Directorship all the ships that navigate Colombian jurisdictional maritime waters.

RESOLVES:

ARTICLE 1 - Authorize the operation in the zone of the Quitasueño, Roncador and Serrana Cays, of the fishing motorboat called "CASAO NAO" of North-American flag.

ARTICLE 2 - The present operation permit is valid through the 31st of December 1986,

date of validity of the fishing patent No. 1497 issued by the INDERENA.

ARTICLE 3 - The owner of the fishing motorboat called "CASAO NAO" of North-American flag, is responsible for the fulfillment of the rules of the Colombian Merchant Navy, as well as those established for the prevention and conservation of the maritime environment, while the aforementioned ship remains in Colombian jurisdictional waters.

ARTICLE 4 - In case of violation of the aforementioned rules, the Maritime and Port General Directorship shall proceed to the immediate cancellation of the present permit.

ARTICLE 5 - The Ministry of Foreign Affairs shall be commissioned for the notification and fulfillment of this ruling, a copy of the present resolution shall be sent to the Captaincy of the Port of Cartagena, to the Navy Command in the Atlantic, to the Specific Command of San Andrés and Providencia, to the Captaincies of the Ports of San Andrés and Providencia and to the National Institute for Natural Renewable Resources and the Environment INDERENA.

ARTICLE 6 - This Resolution is in force since the date of its issuance and against it proceeds the revision appeal which may be requested in written form during the five (5) working days following its notification.

BE IT KNOWN TO ALL AND COMPLIED WITH
Issued in Bogota D.E., on 14 NOV. 1986

(Signed)
Rear-admiral GUSTAVO ÁNGEL MEJÍA
General Maritime and Port Director

(Signed)
Captain JESUS A. CORTES RINCON
Secretary-General
Maritime and Port General Directorship

Annex 148

RESOLUTION N° 1039 FROM THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 11 AUGUST 1987

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA
MINISTRY OF NATIONAL DEFENCE
NATIONAL NAVY
MARITIME AND PORT GENERAL DIRECTORSHIP

Resolution Number 1039 of 19-- (11 AUG. 1987)

By means of which operation permit is granted for fishing expeditions in Colombian waters to the fishing motorboat called "LUCAS" of Panamanian flag.

THE MARITIME AND PORTS DIRECTOR-GENERAL
In use of his legal faculties and,

CONSIDERING:

That the Food and Fishing Company Ltd. -COAPESCA LTDA.-, has requested from this General Directorship authorization to operate the fishing motorboat called "LUCAS" of Panamanian flag in the zone of the Atlantic Ocean, in San Andrés and Providencia, only in the Rosalinda Cay, Serranilla Bank and Bajo Nuevo.

That the National Institute for Natural Renewable Resources and the Environment "INDERENA" has granted the fishing patent No. 0007 valid through the 30th of June 1988, to practice lobster fishing, only in the islands located to the north of the Archipelago of San Andrés and Providencia.

That the characteristics of the fishing motorboat are the following:

NAME: "LUCAS"
FLAG: Panamanian
LENGTH: 13.72 meters
BREADTH: 4.27 meters
DEPTH: 1.52 meters
HULL: Fiberglass
GROSS TONNAGE: 28.74 tons

NET TONNAGE: 16.34 tons
PROPULSION: Engine Diesel Detroit-400 HP.
LICENSE No.: 15984-87

That Decree 1862 of 1967 (4th October) in its article 4º states that in order to carry out fishing expeditions in Colombian jurisdictional waters the requirements established by the Legislation of the Colombian Merchant Navy must be fulfilled.

That the Law Decree 2324 of 1984 submits to the jurisdiction of the Maritime and Port General Directorship all the ships that navigate Colombian jurisdictional maritime waters.

That taking into account the activities to develop it is considered that there is no legal impediment to agree to what's requested by granting an operation permit for the same duration as the established in the fishing patent No. 0007 issued by the National Institute for Natural Renewable Resources and the Environment INDERENA.

RESOLVES:

ARTICLE 1 - Authorize the Food and Fishing Company Ltd. -COAPESCA LTDA.-, to operate the fishing motorboat called "LUCAS", of Panamanian flag in the zone of the Islands located to the north of the Archipelago of San Andrés and Providencia, for lobster fishing.

ARTICLE 2 - The present operation permit is valid until the 30th of June 1988, date of validity of the fishing patent No. 0007 issued by the INDERENA.

ARTICLE 3 - The Food and Fishing Company Ltd. -COAPESCA LTDA.-, is responsible for the fulfillment of the rules of the Colombian Merchant Navy while the fishing motorboat called "LUCAS", of Panamanian flag stays in jurisdictional Colombian waters. To guarantee the aforesaid it shall constitute a banking guarantee or insurance policy in the amount of FIVE HUNDRED THOUSAND PESOS ($500.000.00), on behalf of the Maritime and Port General Directorship valid through the 30th of September 1988.

ARTICLE 4 - The Food and Fishing Company Ltd. -COAPESCA LTDA.-, shall constitute a banking guarantee or insurance policy on behalf of the Maritime and Port General Directorship, in the amount of FIVE HUNDRED THOUSAND PESOS ($500.000.00), valid through the 30th of September 1988, to respond for the damages caused by the possible contamination that may appear during the operation authorized to the fishing motorboat called "LUCAS" of Panamanian flag in Colombian jurisdictional waters.

PARAGRAPH. - The policies referred to in articles 3 and 4 above, must be presented in the Captaincy of the Port of Cartagena, no later than ten (10) days after the date of execution of this ruling, attaching the receipt of payment of the corresponding premium, in

case of failure to the latter the Port Captain shall abstain from issuing the corresponding sail permit.

ARTICLE 5 - In case of violation of the aforementioned rules it shall be submitted to the respective sanctions among which the immediate termination of the present permit.

ARTICLE 6 - For its notification and fulfillment a copy of the present resolution shall be sent to the Captaincy of the Port of Cartagena, as well as another copy to the Navy Command in the Atlantic, to the Specific Command of San Andrés and Providencia, to the Captaincies of the Ports of San Andrés and Providencia and to the National Institute for Natural Renewable Resources and the Environment INDERENA.

ARTICLE 7 - This Resolution is in force since the date of its issuance and against it proceeds the revision appeal which may be requested in written form during the five (5) working days following its notification.

BE IT KNOWN TO ALL AND COMPLIED WITH
Issued in Bogota D.E., on 11 AUG. 1987

(Signed)
Rear-admiral GUSTAVO ÁNGEL MEJÍA
General Maritime and Ports Director

(Signed)
Captain ALBERTO CHARRY SAMPER
Secretary-General

Annex 149

HISTORICAL LOG, *ARC INDEPENDIENTE*, OCTOBER 1988

(Archives of the Colombian Navy)

Monday, 3rd October 1988

The unit anchors in the Bay of El Cove for the time of the operation. Meanwhile, the search and rescue of the motorboat "Lianett" was carried out with positive results but in the end, a tow maneuver was not needed because the motorboat had its failure almost repaired and informed not to need it.

The motorboat "Captain Wilson", which, according to their own statement, had been stolen by two Nicaraguan crewmembers to escape from the said country, was seized.

By order Sr CESYP the motorboat was released and escorted towards Honduras up to the 82 W Meridian.

Support for the repair and maintenance of the equipments was given in the cays.

Annex 150

RESOLUTION N° 1565 OF INDERENA, 29 DECEMBER 1989

(Archives of INDERENA, under custody of IDEAM)

INDERENA
[Colombian National Institute for Renewable Natural Resources and the Environment]

Resolution No. 1565 of
(29 Dec. 1989)

Whereby the permit granted by Resolution 1097 of 1987 is extended.

The General Manager of INDERENA, in his legal and statutory capacities,

Considering:

That Mr. Armando Basmagi Pérez, identified with citizen's ID No. 15.242.050 of San Andrés Island, in his capacity as proprietor of the company called "Pesquera King Crab", as accredited by the certificate issued by the Chamber of Commerce of San Andrés and Providencia Islands attached to the file, in written request submitted to INDERENA asks for the extension of the permit to carry out capture, processing and commercializing activities, granted by Resolution 1097 of 8 October 1987.
(…)

That with the purpose of processing the request, the Secretariat of the Legal Office, by memorandum 596 of 7 September 1989, submitted the file 064-87 to the Sub-management of Fishing and Land Fauna - Fishing Development Administrative Division, in order for it to render the corresponding technical opinion.

That the aforesaid Dependency, issued the technical report contained in pages 195 to 198 of the file 064-87, considering that it is feasible to grant the requested permit, within the parameters established by the same opinion, which are set out in the operative part of this Resolution.
(…)

Article 1. To extend within the parameters set by this decision, the permit granted by Resolution 1097 of 1987, to Mr. Armando Basmagi Pérez, identified with citizen's ID

No. 15.242.050 of San Andrés Island, proprietor of the company called “Pesquera King Crab”.

In the same terms, the activities plan submitted is ratified.
(…)

Article 3. Type of fishing
Basic: Lobster, conch and white fishing.
Collateral: Does not have any.
(…)

Article 5. Fishing Crafts and Methods
For the activity of white fishing, it [the company] can use hydraulic rods for the use of lines with 15 to 20 bass-type hooks, each.
(…)

For conch fishing, it shall use the method of free diving. Each vessel shall be able to employ up to 15 divers.
(…)

Article 8. Capture quota
In accordance with the report submitted by the permit holder on the fishing production during its initial term, it was considerably under the quota initially granted.

In view of the above, the yearly capture quota per motor-vessel assigned for the permit’s extension is the following:

White fishing	Fifty (50) tons/year
Lobster (tail)	Twenty (20) tons/year
Conch (meat)	Twenty (20) tons/year

(…)

Article 9. Fishing Area.
It [the company] may carry out fishing activities in the area of the lesser islands of the north of the Archipelago of San Andrés and Providencia. It shall not fish in the zones of natural parks, natural reserves, zones reserved for artisanal fishing, or in Alburquerque, Bolivar Cay, Santa Catalina, Providencia and San Andrés.

In Quitasueño, it may not fish for conch (Agreement 028 of 1987); moreover, it must comply with the provisions of Agreement 085 of 1988 and other rules in force.
(…)

Article 11. Processing
The permit holder may process the product captured with his motor-vessels and that bought from artisanal fishermen or extracting companies with current permits from

INDERENA at his plant, following the methodology described in the activities plan (pages 44 to 50, file 064-87). In addition to the species authorized in Article 4 of this Resolution, he may process shrimp, of the Penaeus family, that are bought from companies with current permits from INDERENA to fish for shrimp in shallow waters.
(…)

Article 13. Reports
The holder of the present permit must submit to INDERENA's San Andrés Section and Bolivar Regional Office's Fishing Project in Cartagena, a quarterly report on the activity, with regard to the production of each authorized species that has been obtained and processed. When an extension of the permit is requested, he must annex a general report containing the aforesaid parameters, referred to the term of the same.

Article 14. INDERENA reserves the right to assign one or more officials aboard the authorized vessels, in order for them to supervise the fishing activities, with the purposes of verifying the compliance with the approved activities plan, or this Resolution's provisions and other rules in force concerning fishing.

The captains of the vessels are under the obligation to admit aboard, the official or officials authorized by INDERENA for that action.
(…)

Article 15. The permit holder must keep an inventory book, duly registered with INDERENA (Article 98 of Decree 1681 of 1978).

Article 16. Any change or addition to the activities plan must be submitted to INDERENA's consideration and approval.

Article 17. The permit granted as well as the quota assigned, are non-transferable. Therefore, the permit holder must notify INDERENA of his decision to forfeit them (Article 151 of Decree 1681 of 1978).

Article 18. The present permit is granted for a term of two (2) years, as of the date of this Resolution's entry into force and is subject to extension, following a request in writing, delivered to INDERENA in person by its holder or his representative, within two (2) months prior to its expiration and taking into account the provisions of Article 13 of this Resolution.

Article 19. The permit holder must deposit at INDERENA's General Treasury, the amount of the fee for the extended permit (Agreement 94 of 1988) and submit the corresponding receipt for it to be annexed to the file; indispensable requirement to make use of the permit hereby granted.

Article 20. Causes for revoking the present permit are non-compliance with the provisions of this Resolution, and those established in Article 194 of Decree 1681 of 1978,

without prejudice to the imposition of other applicable penalties, pursuant to the same Decree.

Article 21. Through the Secretariat of the Legal Office, copy of this Resolution is to be submitted to the San Andrés Islands Section, to the regional Directorship of Bolivar and to the Chief of the Fishing Project of the same Regional, to verify its strict compliance. Also, for their information, copies are to be sent to the Sub-Management of Fishing and Land Fauna, to the Fishing Development Administrative Division, Maritime and Port General Directorship - DIMAR, to the Port Captaincy of Cartagena and to the Health Section of San Andrés Islands.
(…)

Be it notified and complied with.
29 Dec. 1989

(Signed)
Germán García Durán
General Manager

(Signed)
Sergio Octavio Gaviria Trespalacios
Secretary-General

File 064-87 - Armando Basmagi Pérez “Pesquera King Crab”
NCA.leaa -

Annex 151

RESOLUTION N° 140 OF INDERENA, 27 JUNE 1990

(Archives of INDERENA, under custody of IDEAM)

REPUBLIC OF COLOMBIA
MINISTER OF AGRICULTURE

Executive Resolution no. 0140 June 27th 1990

"By means of which is approved the Agreement no. 0017 of the 8th May 1990 of the Directive Board of the National Institute for Natural Renewable and Environmental Resources - INDERENA"

The President of the Republic of Colombia in use of the legal and statutory faculties contained in subsection c) of the Class A functions of Article 14 of the Agreement no. 45 of 1977, approved by Decree no. 2683 of 1977 and

CONSIDERING:

That the Directive Board of the National Institute for Natural Renewable and Environmental Resources - INDERENA -, EXERCISING THE FUNCTIONS BESTOWED UPON IT BY THE Article 14, functions Class A of the Statutes of INDERENA and those conferred by subsections i) and f) of article 134 of the Decree 501 of 1989, approved the Agreement no. 0017 of the 8th May 1990, "by means of which regulatory measures for the fishing activities in the Archipelago of San Andrés and Providencia and in special in the Area of the Vázquez-Saccio Treaty of 1972 are established"

RESOLVES:

Article 1st.- Approve the Agreement no. 0017 of the 8th May 1990 of the directive board of the National Institute for Natural Renewable and Environmental Resources - INDERENA-, whose text is as follows:

"REPUBLIC OF COLOMBIA
MINISTER OF AGRICULTURE

NATIONAL INSTITUTE FOR NATURAL RENEWABLE AND ENVIRONMENTAL RESOURCES INDERENA

AGREEMENT No. 0017 of May 8th 1990

"By means of which regulatory measures for the fishing activities in the Archipelago of San Andrés and Providencia and in special in the Area of the Vázquez-Saccio Treaty of 1972 are established"

The Directive Board of the Institute for the Development of Natural Renewable Resources, INDERENA in use of its legal and statutory faculties, and

CONSIDERING

That in conformity with subsections i) and f) of Article 134 of the Decree 501 of 1989, in accordance with Article 3 of the Decree 1681 of 1978, competence was assigned to the INDERENA for the administration and management of the hydro-biological resources.

That subsection s) of Article 5 of the Agreement 45 of 1977 approved by the Decree 2683 of 1977, states among the functions of the Institute, the issuance of the regulations needed for the rational use, protection and management of the natural resources.

That subsection c), of the class A functions, of Article 14 of the Agreement 45 of 1977, establishes that it corresponds to the Directive Board of the INDERENA, to reserve a part or the whole of the natural renewable resources of an area to perform restructuring, conservation or preservation programs of those resources and the environment.

That Law 52 of 1973 approved the Treaty between the Government of the Republic of Colombia and the Government of the United States of America, relative to the situation in Quitasueño, Roncador and Serrana.

That in the meeting of consultation on the matters relative to the Vázquez-Saccio Treaty of 1972, concluded in the city of Washington during the days of 5 and 6 October 1989, the Government of Colombia explained to the Government of the United States of America the scientific grounds of the measures of conservation for the fishing resources of the waters of the Treaty, established by the Government of Colombia through the Agreement No. 0085 of 1988.

That in the Joint Statement of the Governments of the Republic of Colombia and the United States of America on the measures of conservation of the fisheries in the areas of the treaty adjacent to Quitasueño, signed during the meeting held in the city of Washington during the days of 5 and 6 October 1989, it was decided to continue with the ban on the fishing of the Queen Conch *Strombus Gigas* agreed upon by the governments on 23 January 1987, which had been established through the Agreement No. 0028 of 5 May 1987.

That the said measures were revised jointly by the delegates of the two governments, who made the adjustments they found appropriate.

That the delegates of the two governments agreed through the Act and Joint Statement to apply, indiscriminately, the measures of conservation of the fisheries in the waters of the Treaty.

That the mollusks known by the following vernacular names in Spanish: *cobo, caracol de pala, carrucho, caracol;* and in English: conch, pink-conch, queen conch, bull conch and broad leaf conch and whose scientific name is *Strombus (Tricornis) gigas*, Linneaus, has been subject to excessive commercial use in the area of the Archipelago of San Andrés and Providencia, a scarcity of this resource being detected.

That the biological studies performed have demonstrated that the conch is an organism with a slow growth, lasting approximately three and a half (3 ½) years to get to its state of sexual maturity.

That according to the existing knowledge about the species *Strombus (Tricornis) gigas*, Linneaus, it has been established that for the Archipelago of San Andrés and Providencia, the period of higher spawning occurs between the months of July and September.

That the decapod crustaceans known by their vernacular name in Spanish as *langosta espinosa* and in English as "spiny lobsters" correspond to the species *Panulirus argus*, Latreille and *Panulirus Laevicauda*, Latreille, are organisms of slow growth and late sexual maturity.

That in the light of the motives just mentioned a regulation to avoid the overfishing of these species is needed.

That by not establishing regulatory measures for the use of the said species, their fishery could collapse in the short term, with the pursuant biological and socioeconomic effects.

That the use of equipments for autonomous and semi-autonomous scuba diving would reduce even more the populations of conch and lobster in the Archipelago of San Andrés and Providencia and would increase the risks of social security of the diver who carries out the activity with the said equipments.

That the habitat of the aforementioned species is formed by isolated banks and coral reefs.

That regardless the impression of abundance that may indicate the little exploited stocks, the density of the resources is relatively low in the area and its ecological balance is quite fragile.

AGREES:

TITLE FIRST
PROVISIONS ON THE MANAGEMENT OF THE QUEEN CONCH
Strombus (Tricornis) gigas, Linnaeus

ARTICLE FIRST: To continue with the fishing ban of the queen conch in the area of the Quitasueño Bank in an extension of 4.189 Km2 which shall be determined by the following coordinates: 81°0' to 81°30' longitude West and 14°0' to 14°40' Latitude North.

PARAGRAPH: The period of the ban shall be extended until the scientific studies demonstrate a comprehensive recovery of this species.

ARTICLE SECOND: The fishing ban for the Queen Conch established in the area of the Archipelago of San Andrés and Providencia, different from the established in Article 1 of the present Agreement, shall be executed during the period comprised between the 1st July and the 30th September of every year.

ARTICLE THIRD: Forbid the catch, the possession on board of the vessels, in the processing plants and/or in the stores, of juvenile specimens of the queen conch, whose weight is less than 225 grams without cleaning or 10 grams once cleaned; weight that corresponds to the animal's muscle (meat).

TITLE SECOND
PROVISIONS ON THE MANAGEMENT OF THE SPINY LOBSTER
Panulirus argus and *P. Laevicauda*, Latreille

ARTICLE FOURTH: Forbid the extraction, processing and commercialization of specimens of the spiny lobster which have a tail shorter than 14 centimeters.

PARAGRAPH: The measure of the tail shall be taken from the higher front border of the first abdominal metameter (segment) until the rear border of the telson, including the swimming membrane.

ARTICLE FIFTH: Forbid the catch, possession and/or commercialization of females carrying eggs, or females whose eggs have been removed by force, of the spiny lobster.

TITLE THIRD
GENERAL PROVISIONS

ARTICLE SIXTH: Forbid the use of autonomous and/or semi-autonomous scuba diving equipment (tanks and/or air hoses), as well as the use of gill nets and/or trammel nets of monofilament nylon (or other similar synthetic materials), for the extraction of the hydro-biological resources.

PARAGRAPH: It is equally forbidden to have on board the equipment and fishing devices to which the present Article refers.

ARTICLE SEVENTH: Any company that gets a permit wherever its headquarters may be, shall report to the Sectional San Andrés Island, the fishing information that refers to the regulated area, according to what's established in the annexed forms, which are an integral part of the present Agreement.

ARTICLE EIGHTH: The reports on the fishing activity carried out by the American vessels under the Vázquez-Saccio Treaty of 1972, shall be registered in the annexed list of journey reports. The lists shall be filled and forwarded to the competent authority of the Colombian Government, the 31st December of the year of validity of the fishing patent to the latest.

ARTICLE NINTH: Forbid the operation of any factory vessel, which is understood to be a vessel that process, transforms and/or packs on board the hydro-biological resources.

ARTICLE TENTH: The failure to comply with the provisions of the present Agreement, shall entail the confiscation of the products, instruments and equipments used in the extraction of the resource and in the revocation of the sanctions foreseen in the legal rules that regulate the matter.

PARAGRAPH: The failure to comply with the provisions of the present Agreement, by the vessels with a flag of the United States of America, that operate under the Vázquez-Saccio Treaty, shall motivate the application of the measures foreseen in the Law 52 of 1973 and an annexed note about fishing rights.

ARTICLE ELEVENTH: The present Agreement abrogates in all its contents the Agreements 0028 of the 5th May 1987 and 0085 of the 1st December 1988.

ARTICLE TWELFTH: This Agreement for its validity requires the approval of the National Government and is in force since the date of the publication of the Executive Resolution in the Official Journal.

BE IT KNOWN TO ALL, PUBLISHED AND COMPLIED WITH

PRESIDENT OF THE DIRECTIVE BOARD

SECRETARY OF THE DIRECTIVE BOARD

Article 2nd.- The present Resolution is in force since the date of its publication in the Official Journal.

BE IT KNOWN TO ALL, PUBLISHED AND COMPLIED WITH
Made in Bogota, D.C. on the 27th June 1990

GABRIEL ROSAS VEGA
Minister of Agriculture

Published in the *Diario Oficial* N° 39.444 of 28 June 1990.

Annex 152

HISTORICAL LOG, *ARC PEDRO DE HEREDIA*, AUGUST 1990

(Archives of the Colombian Navy)

5 August 1990

Set sail

The unit sets sail to the west of Alburquerque to assist the crew of the motorboat Kunda of Nicaraguan flag, which reported having run aground.

According to Oroper N° 44 CESYP/

Annex 153

RESOLUTION N° 1368 FROM THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 26 SEPTEMBER 1990

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA
MINISTRY OF NATIONAL DEFENCE
NATIONAL NAVY
MARITIME AND PORT GENERAL DIRECTORSHIP

Resolution Number 1368
(26 SEP. 1990)

By means of which operation permit is granted for fishing expeditions to the motorboat "STAR CHIEF" bearing a flag of the United States of America in waters within the scope of the 1972 Vázquez-Saccio Treaty.

THE MARITIME AND PORT DIRECTOR-GENERAL
In use of his legal faculties and,

CONSIDERING:

That by virtue of what has been established regarding the fishing rights of the United States of America in the 1972 Vázquez-Saccio Treaty, in the Exchange of Notes of the same year that is a part of it and in the exchange of Notes of 1983 statutory of the same Instrument, in force since the 1st of March 1984, the Ministry of Foreign Affairs has requested from this General Directorship and from the National Institute for Natural Renewable Resources and the Environment "INDERENA", the issuance of the corresponding certificates (operation permit and fishing patent) for the motorboat "STAR CHIEF" of North-American flag, with the aim of practicing fishing expeditions in the waters comprised in the range of the Treaty that are adjacent to Quitasueño, Roncador and Serrana.

That the National Institute for Natural Renewable Resources and the Environment "INDERENA" has granted the fishing patent No. 65 valid through the 31st of December 1990.

That the Law Decree 2324 of 1984 submits to the jurisdiction of the Maritime and Port General Directorship all the ships that navigate Colombian jurisdictional maritime waters.

RESOLVES:

ARTICLE 1 - Authorize the operation of the fishing motorboat called “STAR CHIEF” of North-American flag, in the waters adjacent to Quitasueño, Roncador and Serrana, as established by section 5 of the 1983 Exchange of Notes.

ARTICLE 2 - The operation permit is valid through the 31st of December 1990, date of validity of the fishing patent No. 65 issued by the INDERENA.

ARTICLE 3 - The owner of the fishing motorboat called “STAR CHIEF” is responsible for the fulfillment of the rules of the Colombian Merchant Navy, as well as the conservation measures applied in conformity with the terms and statutory rules of the aforementioned Treaty, while remaining in its waters.

ARTICLE 4 - In case of violation of the aforementioned rules, the Maritime and Port General Directorship shall proceed in conformity with what has been established in the Treaty on the matter.

ARTICLE 5 - The Ministry of Foreign Affairs shall be commissioned for the notification and fulfillment of this ruling, a copy of the present resolution shall be sent to the Port Captaincies of San Andrés and Providencia Islands, to the Navy Command in the Atlantic, to the Specific Command of San Andrés and Providencia and to the National Institute for Natural Renewable Resources and the Environment INDERENA.

ARTICLE 6 - The present resolution is in force since the date of its issuance and against it proceeds the revision appeal which may be requested in written form during the five (5) working days following its notification.

BE IT KNOWN TO ALL AND COMPLIED WITH

Issued in Bogota D.E., on

26 SEP. 1990

(Signed)
Vice-admiral MIGUEL GUILLERMO RUAN TRUJILLO
General Maritime and Port Director

(Signed)
Captain RAFAEL STEER RUIZ
Secretary-General
Maritime and Port General Directorship

Annex 154

DECISION OF THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP OF 27 SEPTEMBER 1990

(Archives of the Colombian Navy)

Maritime and Port General Directorship of the Colombian Navy
Bogotá, D.E., 27 September 1990

WHEREAS:

A request has been received for reconsideration of the judgment delivered by the Port Captaincy of San Andrés on 25 May 1990, supplemented by an order of 12 July 1990, concerning the investigation concerning the wreckage on Roncador Cay of the ship M/N NORDFELS, flying the Singapore flag. The above mentioned decision declared that the M/N NORDFELS ran aground on 7 October 1989 at 03:30 hours on Roncador Cay, at position Latitude 13°26 N Longitude 08°02 West[T.N.] [sic], in jurisdiction of San Andrés and made a finding on the responsibility by fault of its Captain NABIL MANSI and its Second Officer SIMUNKOVIC VICKO for the occurrence of the wreck, both of them being bound to respond for the damages and costs resulting from the investigation and defined as stated above.

THE FACTS:

The narrative of the facts can be extracted from the expert opinion filed by the Captains Court, where the following description can be found: "The motor-ship NORDFELS left Port-au-Prince (Haiti) on 4 October 1989, headed for Puerto Limon (Costa Rica). On 7 October at 00:00 hours the Second Officer, Mr. SIMUNKOVIC VICKO took over the guard shift in the following conditions: Satellite navigator out of service - Radar in Stand by - Good visibility - Status of the sea 3 - Intensity of the wind 3 - Estimated velocity 12,5 knots - Estimated position: Latitude 14° 06.5 North, Longitude 79° 02.5 West. Direction 224. At 02:20 hours, he noticed two lights by the ship's prow, one of them fixed and the other blinking. Having consulted the list of lighthouses, he recognized the lighthouse of Roncador.

[T.N.] This is clearly a typo. In paragraph A) of the reasoning section, the following coordinates are given for the place where this incident took place, on Roncador Cay: Latitude 13° 31.50 North and Longitude 80° 02.43 West.

At 02:30 hours he fixed the actual position with the radar and lighthouse markings, taken with rotation repeater, and compared it with that of the radar, finding himself at 12 miles by the 228° of the same. He then changed the direction to 210°. At 03:00 hours, he took another position with the radar, using the lighthouse as a point of reference, finding it by the 252 at 6 miles. He did not make any other change of direction and at 3:30 hours the ship ran aground at Latitude 13° 31.56 North, Longitude 80° 02.43 West.

THE PROCEEDINGS:

Having regard to the protest submitted by Mr. NABIL MANSI, Captain of the M/N NORDFELS (Page 6) the Port Captaincy of San Andrés, by an Order that can be found in Pages (17) and (18) ordered the opening of an investigation and the production of the necessary evidence in order to determine the facts.

In the same Providence the Captains Court was established, composed of Captain JORGE EDGAR MENDOZA VELASQUEZ, Lieutenant LUIS GUTIERREZ CALDERON and Captain JAIME ARTURO BARBOSA SANCHEZ.

The Act of the initial hearing conducted can be found in pages (21) to (26) of the case dossier. In the first place, a statement by Mr. NABIL MANSI, Captain of M/N NORDFELS is received (…).

Subsequently, a statement by the Second Officer onboard the M/N NORDFELS, Mr. SIMUNKOVIC VICKO is received (…).

A statement is also received from Mr. IBEAITO ATANATI, sailor onboard the NORDFLES (…)

In Pages (35) to (79) certain documentation pertaining to the ship are included (…)

In Pages (81) and (82) a preliminary report on the wreckage, presented by the Captains Court can be found (…)

In Page (90) the Report by the Captains Court on the estimated damages and costs involved can be found (…)

In Pages (107) to (111) an Expert Report on the wreckage of M/N NORDFELS, presented by the Captains Court can be found. In this Report, after a detailed analysis of the circumstances, the irregularities and flaws encountered and the position and location of the ship, the Captains Court finds as follows on the responsibility for the wreckage: “There can be no doubt as to that the responsibility for the wreckage lies in two persons. In the first place, in the Captain Mr. NABIL MANSI, due to negligence, as evidenced by the following elements: in the navigation log of its ship, having departed Port-au-Prince (Haiti) on 5 October 1989, there is only one estimated position recorded on the 6th, without indication as to the time when it was registered; to navigate with a general chart, in

circumstances that the required publications containing all the detailed information of dangerous areas like the Archipelago of San Andrés and Providencia with its Islands and Cays can be found in the general market; to allow having the radar in Stand by, instead of maintaining careful vigilance with such a valuable equipment for navigation, and not having operative the navigator by satellite; he was bound to keep permanently the ship's position by other means (at least at dawn, at noon and at sunset). The other person responsible is Mr. SIMUNKOVIC VICKO, Second Officer on board (…)

Other documents annexed to the dossier can be found in Pages (112) to (129).

(…)

THE REASONING:

From the evidence produced the following facts can be clearly underlined:

1. On 7 October 1989, at 03:00 hours approximately, the ship M/N NORDFELS, having left Port-au-Prince (Haiti) en route towards Puerto Limon (Costa Rica), ran aground on Roncador Cay at a latitude 13° 31.50 North and Longitude 80° 0.2.43 West.

2. At the moment of the wreckage the guard was kept by the Second Officer in the vessel, Mr. SIMUNKOVIC VICKO.

3. The ship M/N NORDFELS had a cargo of 2.331 metric tons of iron and general cargo, including 7 metric tons of chemicals.

4. The fishing ships NAVEGANTE II and MARBELS gave assistance and support to the M/N NORDFELS during the wreckage. The corresponding expenses were acknowledged by the owners of the ship, as recorded in a Transaction Contract signed by both parties, to an agreed amount of three million one hundred and eighty-eight thousand and two hundred and four pesos with twenty cents ($ 3.188.204,20).

5. The transfer of the oil and the chemicals aboard the ship NORDFELS was carried out in due course, without producing any contamination.

When considering the responsibility in the present case, this Court finds that the fault of both the Captain and the Second Officer for the wreckage of the M/N NORDFELS has been sufficiently proved.

With regard to the former, Mr. NABIL MANSI, it is possible to infer recklessness by allowing navigation with an outdated chart where the dangerous zones were not detailed and with the radar on stand by and the satellite navigator out of service. These devices could have allowed him to detect with precision the existing hazards and obstacles in the area where the wreckage took place.

With regard to the Second Officer, Mr. SIMUNKOVIC VICKO, who was on guard at the moment of the incident, it is also necessary to register his lack of diligence by carrying out a wrong maneuver with the purpose of free-crossing through Roncador Cay. The technical aspects of this maneuver were examined and clearly determined by the Captains Court. Additionally, he failed to inform in a timely manner to the Captain of the ship the hardship situation in which he found himself and therefore was precluded from obtaining guidance and direction in the operation of the ship.

On the basis of the above, this Court is of the opinion that it is not required to proceed further to examine the matter. The decision taken by the Port Captaincy of San Andrés in regard to the present investigation is therefore hereby confirmed.

It is also to be underlined that the sum which is owed to the Naval Atlantic Force for services rendered with the Towboat ARC PEDRO DE HEREDIA has not yet been cancelled.

For the above reasons, the Maritime and Port Director-General

DECIDES:

ARTICLE 1.- In the light of the above considerations and reasoning, to confirm in its entirety the Judgment of 25 May 1989 issued by the Port Captaincy of San Andrés.

ARTICLE 2.- To confirm in its entirety the Order of 12 July 1990, issued by the Port Captaincy of San Andrés, supplementing the already mentioned Judgment.

ARTICLE 3.- This decision will be notified by the Secretariat and will be sent to the Port Captaincy to be archived.

To be copied, sent, notified and obeyed,
27 September 1990

(signed)
Vice-Admiral MIGUEL GUILLERMO RUAN TRUJILLO
Maritime and Port Director-General

(signed)
Captain RAFAEL STEER RUIZ
Secretary-General

Annex 155

HISTORICAL LOG, *ARC ALMIRANTE PADILLA*, APRIL 1992

(Archives of the Colombian Navy)

09. April 1992

S&R Operation.

The unit initiates the search and rescue operation of the motorboat “RAZIMAN”, which declared itself in state of emergency in position - Lat. 11°16' N Long. 79°05' W.

Annex 156

RESOLUTION N° 42 FROM THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 29 JANUARY 1993

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA
MINISTRY OF NATIONAL DEFENCE
NATIONAL NAVY
MARITIME GENERAL DIRECTORSHIP

Resolution Number 0042
(29 ENE. 1993)

By means of which operation permit is granted for fishing expeditions to the motorboats "MISS IRENE" and "MEFAS ADVENTURER" bearing an American flag in waters of the 1972 Vázquez-Saccio Treaty.

THE MARITIME DIRECTOR-GENERAL
In use of his legal faculties and,

CONSIDERING:

That by virtue of what has been established regarding the fishing rights of the United States of America in the 1972 Vázquez-Saccio Treaty, in the Exchange of Notes of the same year that is a part of it and in the exchange of Notes of 1983 statutory of the same instrument, in force since the 1st of March 1984, the Ministry of Foreign Affairs has requested from this General Directorship and from the National Fishing and Aquiculture Institute, the issuance of the corresponding certificates (operation permit and fishing patent) for the fishing motorboats called "MISS IRENE" and "MEFAS ADVENTURER" of American flag, with the aim of practicing fishing expeditions in the waters comprised in the range of the Treaty, adjacent to Roncador, Serrana and the Quitasueño Bank.

That the waters adjacent to Quitasueño have a special regime by virtue of article 2 of the 1972 Vázquez-Saccio Treaty and that in compliance with what was agreed on the 23rd January 1987, both Governments agreed to a temporary fishing ban for the conch (Strombus gigas), in the area of the Quitasueño Bank, in an extension of approximately 4,189.3 square km, which is determined by the coordinates: 81° 0 minutes to 81° 30 min-

utes West longitude and 14° and 0 minutes to 14° and 40 minutes North latitude.

That the 6th of October 1989, the contracting parties agreed to continue with the Caribbean queen conch (Strombus gigas) ban accepted by both Governments in 1987 and to further forbid the catch in the area of the Treaty of spiny lobsters (Panulirus, Latreille and P. laevicuda) which have a tail shorter than 14 cm of length, as well as the catch or possession of females carrying eggs or of females whose eggs have been extracted by force.

That in the Joint Declaration of the 6th of October 1989, the use of autonomous or semi-autonomous scuba diving equipments (tanks or air hoses) for the extraction of hydro-biological resources was also forbidden, as well as the use of nylon monofilament meshes or synthetic materials; furthermore the use in the zone of factory ships, that is to say, any ship that processes, transforms or packs hydro-biological resources on board.

That the National Fishing and Aquiculture Institute -INPA-, has granted them fishing patents, valid through the 31st of December 1993, Numbers: 0040 SP and 0041 SP respectively.

That the Law Decree 2324 of 1984 submits to the jurisdiction of the MARITIME GENERAL DIRECTORSHIP all the ships that navigate Colombian jurisdictional maritime waters.

RESOLVES:

ARTICLE 1 - Authorize the operation in fishing expeditions of the fishing motorboats called “MISS IRENE” and “MEFAS ADVENTURER” bearing American flag, in the waters adjacent to Quitasueño, Roncador and Serrana, as established by section 5 of the 1983 Exchange of Notes.

PARAGRAPH - The motorboats “MISS IRENE” and “MEFAS ADVENTURER”, shall fully comply with the conservation measures within Treaty waters, as agreed upon in the joint declarations signed by the representatives of the Governments of the United States of America and Colombia on the 23rd of January 1987 and the 6th of October 1989.

ARTICLE 2 - The present operation permit is valid through the 31st of December 1993, date of validity of the fishing patents No. 0040 SP, 0041 SP, issued by the INPA.

ARTICLE 3 - The owners of the fishing motorboats called “MISS IRENE” and “MEFAS ADVENTURER” are responsible for the fulfillment of the rules of the Colombian Merchant Navy, as well as the conservation measures applied in conformity with the terms and statutory rules of the aforementioned Treaty, while remaining in its waters.

ARTICLE 4 - In case of violation of the aforementioned rules, the MARITIME GENERAL DIRECTORSHIP shall proceed in conformity with the established in the

Diplomatic Note of 1983, and the Joint Declarations of 1987 and 1989.

ARTICLE 5 - For its notification and fulfillment, a copy of the present resolution shall be sent to the Ministry of Foreign Affairs, to the Port Captaincies of San Andrés and Providencia, to the Navy Command in the Atlantic, to the Specific Command of San Andrés and Providencia and to the National Fishing and Aquiculture Institute -INPA-.

ARTICLE 6 - The present resolution is in force since the date of its issuance and against it proceeds the revision appeal which may be requested in written form during the five (5) working days following its notification.

BE IT KNOWN TO ALL AND COMPLIED WITH

Issued in Bogota D.E., on 29 JAN. 1993

(Signed)
Rear-Admiral GILBERTO ENRIQUE RONCANCIO SARMIENTO
Maritime and Port Director-General

(Signed)
Captain JAIME SANCHEZ RODRIGUEZ
Secretary-General

Annex 157

RESOLUTION N° 46 FROM THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 3 FEBRUARY 1993

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA
MINISTRY OF NATIONAL DEFENCE
NATIONAL NAVY
MARITIME GENERAL DIRECTORSHIP

Resolution Number 0046
(03 FEB. 1993)

By means of which the Corporation THE PACIFIC GEOGRAPHIC SOCIETY is authorized to perform tasks of Exploration of Sunken Antiquities in the area of San Andrés, Roncador, Serrana, Quitasueño, Serranilla and Bajo Nuevo.

THE GENERAL MARITIME DIRECTOR
In use of his legal faculties and,

CONSIDERING:

That by written note dated May 22nd 1992 submitted to this General Directorship by Mister DAVID RENZI in his capacity as President of the Corporation THE PACIFIC GEOGRAPHIC SOCIETY, authorization was requested to perform in the area of San Andrés and Providencia the exploration and salvage of several sunken galleons, offering the Colombian Government forty per cent (40%) of the rescued goods.

That by note No. 2511 DIMAR - OFJUR of June 30th 1992 the MARITIME GENERAL DIRECTORSHIP returned the application stating that the submitted request was not viable in the envisaged conditions and made a summary of the legal provisions regarding sunken antiquities so that the petitioner, if he found it suitable, would adapt his note based on the legal rules in place.

That by note dated July 28th 1992 this Directorship received a new request submitted by the Corporation THE PACIFIC GEOGRAPHIC SOCIETY through its President Mister DAVID RENZI, by means of which he requests authorization to explore sunken antiqui-

ties in the archipelago of San Andrés and Providencia and in particular in the areas that are discriminated in the following coordinates:

a. SAN ANDRÉS

Lat 12º 20' N Long 81º 30 W

Lat 12º 50' N Long 82º 00' W

b. RONCADOR

Lat 13º 15' N Long 79º 55' W

Lat 13º 45' N Long 80º 00' W

c. SERRANA

Lat 14º 00' N Long 79º 40' W

Lat 14º 45' N Long 80º 30' W

d. QUITASUEÑO

Lat 14º 00' N Long 80º 50' W

Lat 14º 45' N Long 81º 30' W

e. SERRANILLA

Lat 15º 40' N Long 79º 40' W

Lat 16º 05' N Long 80º 10' W

f. BAJO NUEVO

Lat 15º 40 N Long 78º 30' W

Lat 16º 00' N Long 79º 55' W

That in the documents annexed to the application, it is indicated that the Corporation THE PACIFIC GEOGRAPHIC SOCIETY was established in the year 1923 and incorporated in the year 1929 as a scientific research group under the laws of the State of California, cancelled its activities due to World War II and was reactivated again in the year 1977.

That after the General Secretariat of the Presidency of the Republic was consulted regarding the request by note 3129 DIMAR - OFJUR of August 21st 1992, it was decided that the documentation of the Corporation THE PACIFIC GEOGRAPHIC SOCIETY would be studied by the Sunken Antiquities' Commission, which in its meeting of September 2nd 1992 considered it necessary to obtain a statement from the Ministry of Foreign Affairs about the location of the requested areas.

That by note VP. BT 36111 of November 20th 1992 the Vice-Minister of International Political Affairs stated that from a territorial sovereignty point of view, the Ministry of Foreign Affairs finds no inconvenient to grant the Corporation THE PACIFIC GEOGRAPHIC SOCIETY authorization to explore in the areas described above but with the limitations established in the RAMIREZ CONTRERAS Treaty signed by the Governments of Colombia and Honduras on maritime delimitation in 1986. The aforementioned note is an integral part of the present resolution.

That the Embassy of the United States of America by note No. 950 of December 29th 1992 and of the Honduran Institute of Anthropology and History by written certificate of December 18th 1992 accredited the establishment of the Corporation THE PACIFIC GEOGRAPHIC SOCIETY and its experience in submarine research and exploration works respectively.

That in a meeting held on the tenth (10th) of December 1992, the Sunken Antiquities' Commission authorized the MARITIME GENERAL DIRECTORSHIP to elaborate the Resolution that clearly defines the authorization of exploration to the Corporation THE PACIFIC GEOGRAPHIC SOCIETY.

That on the 20th of January 1993, a technical coordination meeting was held between the personnel of the MARITIME GENERAL DIRECTORSHIP and the representatives of the Corporation THE PACIFIC GEOGRAPHIC SOCIETY in which a chronogram of activities was revealed, the geographic, historic and technical motivations of the project were explained, and the areas subject to the exploration permit were confirmed and clarified.

That on January 20th 1993 mister LUIS EDUARDO MENDOZA Vice-president of Internal Affairs of the Corporation THE PACIFIC GEOGRAPHIC SOCIETY presented to this Directorship the document 6M-LE-01- 93, which contains the description of the chronogram of the exploration works indicating the program of activities, the description of the number and characteristics of the equipments that will be used in the operation including the characteristics of the M/N EGABRAG II, the account of the personnel, the confirmation of the areas and different matters that have to do with the development of the exploration works. This document is an integral part of the present resolution.

That as well in the technical meeting of coordination as in the document specified in the previous motive section, the coordinates of the area of Roncador and Bajo Nuevo were made clear, modifying the request initially submitted and adjusting them to the areas

marked in the chart INT 402 joint to the said initial request as follows:

a. RONCADOR

Long 80º 15' W and Long 80º 00' W

b. BAJO NUEVO

Long 79º 00' W and Long 79º 55' W

That the areas over which the Corporation THE PACIFIC GEOGRAPHIC SOCIETY requests authorization for exploration have not been authorized to any other natural or legal person for any similar works.

That once the legal procedures provided for in the single chapter of the Title X of the Law Decree 2324 of 1984 and in particular the first subsection of article 191 are fulfilled,

RESOLVES:

ARTICLE 1 - Authorize the Corporation THE PACIFIC GEOGRAPHIC SOCIETY, with the M/N EGABRAG II, to carry out tasks of exploration of sunken antiquities in the Archipelago of San Andrés and Providencia, in the areas that are indicated with their corresponding geographic coordinates as follows:

a. AREA No. 1 SAN ANDRÉS

Lat 12º 20' N Long 81º 30 W

Lat 12º 50' N Long 82º 00' W

b. AREA No. 2 RONCADOR

Lat 13º 15' N Long 79º 55' W

Lat 13º 45' N Long 80º 15' W

c. AREA No. 3 SERRANA

Lat 14º 00' N Long 79º 40' W

Lat 14º 45' N Long 80º 30' W

d. AREA No. 4 QUITASUEÑO

Lat 14º 00' N Long 80º 50' W

Lat 14º 45' N Long 81º 30' W

e. AREA No. 5 SERRANILLA

Lat 15º 40' N Long 79º 40' W

Lat 16º 05' N Long 80º 10' W

f. BAJO NUEVO

Lat 15º 40 N Long 78º 30' W

Lat 16º 00' N Long 79º 00' W

ARTICLE 2 - It is understood that the authorization hereby granted is limited solely and exclusively to the works of exploration of sunken antiquities within the authorized areas and thus, such authorization does not generate any right or privilege to the Corporation THE PACIFIC GEOGRAPHIC SOCIETY regarding the possible recovery of the sunken antiquities that might be reported.

ARTICLE 3 - The works of exploration hereby authorized, comprise:

a) A preliminary phase with a duration of two (2) months which shall start on the 20th of February 1993 and shall end on the 20th of April 1993, in which the Corporation THE PACIFIC GEOGRAPHIC SOCIETY shall develop the administrative, legal and reconnaissance tasks indicated in the document GM-LE-01-93 of January 28th 1993 signed by Mister LUIS EDUARDO MENDOZA Vice-president of Internal Affairs.

b) An exploratory phase with a duration of seven (7) months that shall start since the first (1st) of May 1993, shall be suspended when the cyclonic and strong winds season starts, and shall recommence at the end of it. During this exploratory phase, the Corporation THE PACIFIC GEOGRAPHIC SOCIETY shall undertake all the necessary activities related to the search and finding of sunken antiquities in the areas described in article first of this Resolution, pursuing if possible the order of priorities established in Article 1st of the present Resolution.

c) A phase of demobilization with a duration of one (1) month that shall start the following day to the end of the exploratory phase, during which the Corporation THE PACIFIC GEOGRAPHIC SOCIETY shall carry out the activities necessary to the settlement of the project.

PARAGRAPH FIRST: During the cyclonic and strong winds season forecasted in the exploratory phase, the crew of the M/N EGABRAG II will not be able to carry out the works of exploration and its task shall be limited to the confirmation of the gathered data. To that end, the M/N EGABRAG II shall be docked in the ports of San Andrés and/or Cartagena, in the docks previously authorized by the MARITIME GENERAL DIRECTORSHIP. To that end, the Corporation THE PACIFIC GEOGRAPHIC SOCIETY shall notify the maritime authority with at least fifteen (15) days of notice.

PARAGRAPH SECOND: The MARITIME GENERAL DIRECTORSHIP reserves itself the right to request that the M/N EGABRAG II leaves Colombian jurisdictional waters during the cyclonic and strong winds season forecasted in the exploratory phase.

ARTICLE 4 - The exploration permit that is hereby granted shall be in force until the culmination of the demobilization phase or until the 31st of July 1994; whichever occurs first.

ARTICLE 5 - The Corporation THE PACIFIC GEOGRAPHIC SOCIETY, as a beneficiary of the present authorization engages itself to the following:

1) Comply strictly with the provisions of Decree 2324 of 1984 and the rest of the concordant rules.
2) To negotiate with the competent authorities, the authorizations and permits relative to the execution of the project of exploration that is hereby authorized.
3) To accept the appointment of the Inspectors that are designated by the MARITIME GENERAL DIRECTORSHIP aboard the M/N EGABRAG II as follows: a) a Supervision Official on Deck during the preliminary phase and b) a Supervision Official on deck and two scuba divers during the phase of exploration.
4) Pay the transport fees of the designated inspectors, as well as their accommodation aboard the M/N EGABRAG II.
5) Provide the Inspectors appointed by the MARITIME GENERAL DIRECTORSHIP on board of the M/N EGABRAG II, with all the information that is gathered during the preliminary phase and that of exploration.
6) To deliver within the two (2) months following the culmination of the exploratory phase two (2) copies in Spanish language containing all the technical, geographical, scientific and oceanographic information gathered during such a phase.
7) Not to perform any tasks other than those provided for in the present resolution.
8) To grant on behalf of the Nation - MARITIME GENERAL DIRECTORSHIP an insurance policy or banking guarantee in the amount of TEN MILLION PESOS ($ 10.000.000) to answer to the Nation and/or civilians for the fulfillment of the works authorized in this decision and for the possible contamination that may eventually be caused.
9) The policy or guarantee established in section 8 of the present article, shall be presented in this Office in original form along with the receipt of the payment of the respective fee, within the ten (10) days following the execution of this decision, valid since the 20th of February 1993 and for a duration of two (2) years.

PARAGRAPH: It is understood that the infringement of any of the valid legal rules and of the authorizations and conditions imposed on the SOCIETY by this Resolution, shall allow for the Corporation THE PACIFIC GEOGRAPHIC SOCIETY to be sanctioned with the immediate cancellation of the permit granted, without having regard to the fines and sanctions that may be imposed.

ARTICLE 7 - In the name of the Secretary-General may this decision be notified and a copy sent to the Secretary-General of the Presidency of the Republic, to the Legal Secretary, to the Ministry of National Defense, to the General Command of the Military Forces, to the Command of the National Navy in the Atlantic, to the Specific Command of San Andrés and Providencia and the Port Captaincies of Cartagena, San Andrés and Providencia.

ARTICLE 8 - The present Resolution is in force since the date of its realization and against proceeds the revision appeal, which may be used in written form within the five (5) working days following its notification.

BE IT KNOWN TO ALL AND COMPLIED WITH

Issued in Santafé de Bogota D.C., on February 3rd 1993.

(Signed)
Rear-Admiral GILBERTO ENRIQUE RONCANCIO SARMIENTO
General Maritime and Port Director

(Signed)
Captain JAIME SANCHEZ RODRIGUEZ
Secretary-General

Annex 158

HISTORICAL LOG, *ARC CALDAS*, JULY 1993

(Archives of the Colombian Navy)

28 July 1993
S&R

The unit carries out the search and rescue operation of the motorboat Reina Beatriz, which is found on the 28th July/93 at 11:40R in Lat. N 12°26,9' and Long. W 81°31,5'.

The unit assists the motorboat pending the arrival to the area of the motorboat Navey, which tows it to San Andrés.

Annex 159

COLOMBIAN NAVY RESOLUTION N° 825, 27 DECEMBER 1994

(Archives of the Colombian Navy)

MINISTRY OF NATIONAL DEFENCE
NATIONAL NAVY
MARITIME GENERAL DIRECTORSHIP

RESOLUTION NUMBER 0825 OF 1994
(December 27)

By means of which are established the jurisdictional limits of the Port Captaincies.

THE MARITIME DIRECTOR-GENERAL
In use of his legal faculties and specially those conferred by article 11 section 7 of the Law Decree 2324 of 1984,

CONSIDERING:

That it is necessary to determine the territorial limits of the jurisdiction of the Maritime and River Captaincies and to indicate the port Captaincies of second category, that will depend upon the Port Captaincies of First Category for the legal effects that are indicated in Chapter V of Title IV of the Law-Decree 2324 of 1984.

RESOLVES:

ARTICLE 1st. The port Captaincies of the Atlantic Coast and the Archipelago of San Andrés and Providencia will exercise their jurisdiction in the territory comprised within the following limits, as indicated in each case:

1. PORT CAPTAINCY OF BOLIVAR

From the territorial limit between Colombia
and Venezuela Lat. 17º51'07" N
Long 71º19'23" W
Up to Punta Carrizal Lat. 12º01'00" N
Limit line in the direction of: 335º from Punta Carrizal

2. PORT CAPTAINCY OF RIOHACHA

From Punta Carrizal Lat. 12º01'00" N
Long 72º10'45" W
To Cape San Agustin Lat. 11º15'45" N
Long 73º75'30" W
Limit line in the direction of: 335º from Cape San Agustin

3. PORT CAPTAINCY OF SANTA MARTA

From Cape San Agustin Lat. 11º15'45" N
Long 73º45'30" W
To Point "D" Lat. 11º01'05" N
Long 74º36'20" W
Limit line in the direction of: 335º from Point “D”

4. PORT CAPTAINCY OF BARRANQUILLA

From Point “D” Lat. 11º01'05" N
Long 74º36'20" W
To Punta Galeras Lat. 10º48'17" N
Long 75º15'38" N
Limit line in the direction of: 335º from Punta Galeras
Magdalena River: From the mouth in Bocas de Ceniza to 27 kilometers up the river.

5. PORT CAPTAINCY OF CARTAGENA

From Punta Galeras Lat. 10º48'17" N
Long 75º15'38" N
To Punta Rincon Lat. 09º46'30" N
Long 75º38'30" W
Limit line in the direction of: 320º from Punta Rincon
Dique Channel: From its mouth in the bay of Cartagena to its mouth in the southern part of the Barbacoas Bay.
The jurisdiction comprises the Rosario Islands, the cays and banks located in the area.

6. PORT CAPTAINCY OF COVEÑAS

To Punta Rincon Lat. 09º46'30" N
Long 75º38'30" W
To Punta Arboletes Lat. 08º53'35" N
Long 76º25'47" W
Limit line in the direction of: 318º from Punta Arboletes
Sinú River: From its mouth up to a point “G” located in latitude 9º24'30" N, longitude 75º55'02" W.

The jurisdiction comprises the San Bernardo Islands, the cays and banks located in the area.

7. PORT CAPTAINCY OF TURBO

From Punta Arboletes Lat. 08º53'35" N
Long 76º25'47" W
Cape Tiburon line, border with Panama Lat. 08º40'40" N
Long 77º21'30" W
Atrato River: From its mouth in the Golf of Urabá to where the Brazo Leon begins.

8. PORT CAPTAINCY OF SAN ANDRÉS

In the area comprised within:
Point “A” Lat. 12º30'00" N
Long 78º42'00" W
Point “B” Lat. 13º15'00" N
Long 78º42'00" W
Point “C” Lat. 13º15'00" N
Long 82º00'00" W
And the delimitation with Nicaragua, Costa Rica and Panama.
The jurisdiction comprises the islands, cays and banks located in the area.

9. PORT CAPTAINCY OF PROVIDENCIA

In the area comprised within:
Point “B” Lat. 13º15'00" N
Long 78º42'00" W
Point “C” Lat. 13º15'00" N
Long 82º00'00" W
And the delimitation with Nicaragua, Honduras and Jamaica.
The jurisdiction comprises the islands, cays and banks located in the area, as well as the Common Zone established in the delimitation Treaty with Jamaica.

ARTICLE 2nd. The Port Captaincies of the Pacific Coast shall exercise their jurisdiction in the territory comprised within the following limits as indicated in each case

10. PORT CAPTAINCY OF SOLANO BAY

From the limit with Panama Lat. 07º12'39" N
Long 77º53'20" W
To Cape Corrientes Lat. 05º29'00" N
Long 77º32'53" W
Limit line in the direction of: 259º from Cape Corrientes

2. PORT CAPTAINCY OF BUENAVENTURA

From Cape Corrientes Lat. 05º29'00" N
Long 77º32'53" W
To the Mouth of the Naya River Lat. 03º13'00" N
Long 77º34'00" W
Limit line in the direction of: 270º from the Mouth of the
Naya River
The jurisdiction comprises the island of Malpelo.

3. PORT CAPTAINCY OF PUERTO GUAPI

From the Mouth of the Naya River Lat. 03º13'00" N
Long 77º34'00" W
To Punta Guascama Lat. 02º37'20" N
Long 78º24'20" W
Limit line in the direction of: 270º from Punta Guascama
The jurisdiction comprises the islands of Gorgona and Gorgonilla and the Patia river from its mouth in point “I” located in Latitude 02º11'15" N, Longitude 78º37'08"W.

4. PORT CAPTAINCY OF TUMACO

From Punta Guascama Lat. 02º37'20" N
Long 78º24'20" W
To the limit of Colombia with Ecuador Lat. 01º25'00" N
Long 78º54'50" W
The jurisdiction comprises the Mira River from its mouth to point “J” located in latitude 01º07'25" N, longitude 78º58'50" W.

ARTICLE 3rd. The Port Captaincies located in the bordering rivers will exercise their jurisdiction in the territory comprised within the following limits:

1. PORT CAPTAINCY OF PUERTO CARREÑO.

Comprises the Bed and the Colombian margin of the Meta River from Caño de la Virgen near the Manati Island to Puerto Carreño and the bed and the Colombian margin of the Orinoco River from Puerto Carreño to the torrent Maipures.

2. PORT CAPTAINCY OF PUERTO INIRIDA

Comprises the bed and the Colombian margin of the Rivers Orinoco and Atabapo from the torrent Maipures in the Orinoco to the Mouths of Guasacabi in the Atabapo River and in the Inirida River from Puerto Inirida to its mouth in the Atabapo River.

3. PORT CAPTAINCY OF SAN FELIPE

Comprises the bed and the Colombian margin of the Guainia River or Negro River from the torrent Venado in the high Guainia to the Piedra del Cocuy in the Negro River.

4. PORT CAPTAINCY OF LETICIA

Comprises the Bed and the Colombian margin of the Amazonas River from the mouth of the San Antonio Gully to the Mouth of the Atacuari River, alongside the bordering zone with Peru and Brazil.

5. PORT CAPTAINCY OF PUERTO LEGUIZAMO

Comprises the bed and the Colombian margin of the Putumayo River from Puerto Asis following the limit with Ecuador and Peru to Tarapaca in the limits with Brazil.

ARTICLE 4th. The Port Captaincies shall exercise their functions and attributions in the jurisdictional waters, navigable bordering rivers, coasts, banks and Ports of the Republic within the geographical limits established in this Resolution.

ARTICLE 5th. For the purposes of Chapter V, Title IV of the Law-Decree 2324 of 1984, the Port Captaincies of Second Category shall be ascribed to the Port Captaincies of First category in the way that is indicated as follows:

1. To the Port Captaincy of Cartagena the Port Captaincies of: Puerto Inirida and San Felipe.
2. To the Port Captaincy of Barranquilla the Port Captaincy of: Puerto Carreño.
3. To the Port Captaincy of Santa Marta the Port Captaincy of: Riohacha.
4. To the Port Captaincy of San Andrés the Port Captaincy of: Providencia.
5. To the Port Captaincy of Buenaventura the Port Captaincy of: Solano Bay.
6. To the Port Captaincy of Tumaco the Port Captaincy of: Guapi.
7. To the Port Captaincy of Leticia the Port Captaincy of: Puerto Leguizamo.

ARTICLE 6th. The present resolution derogates resolutions 282 of the 10th of July 1975, 0285 of the 17th of March 1989, 0732 of the 29th of May 1992 and the rest that contradict it.

ARTICLE 7th. The present resolution is in force since the date of its issuance.

BE IT KNOWN TO ALL AND COMPLIED WITH

Issued in Santafé de Bogota D.C., on the 27th of December 1994.

Rear-Admiral
GILBERTO ENRIQUE RONCANCIO SARMIENTO
Maritime Director-General.

Captain
RICARDO ALVARADO REYES
Secretary-General.

Annex 160

NOTE N° NR. 003 FROM THE CHIEF OF COLOMBIAN MARITIME SIGNALS ON THE ATLANTIC TO THE CHIEF OF THE NAVIGATIONAL AIDS DIVISION, COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 2 JANUARY 1997

(Archives of the Colombian Navy)

NATIONAL NAVY
GENERAL MARINE DIVISION
MARITIME SIGNALS ON THE ATLANTIC

Cartagena de Indias, 2 January 1997

NR. 003 DRIMAR - SEMAT

REF.: Installation of new navigation aids

TO: Captain
LUIS GUILLERMO ZABALA CORREA
CHIEF OF THE NAVIGATIONAL AIDS DIVISION
Santafé de Bogota, D.C.

I allow myself to address you in order to inform that the new Lighthouse Serranilla Island has been put in service, as well as two markers, with the following features:

- Lighthouse Serranilla Island

Focal height: 33 meters
Height of the concrete structure: 18 meters
Height of the metallic structure: 13 meters
Height above sea level: 2 meters
Aprox. Location: Lat. 15 47' 42" N Long 79 50' 40" W
Reach: 25 miles
Rotation period 01: 30 seconds
Identification signal (Racon)[T.N.]: letter Z

[T.N.] Racon is a type of radar transponder commonly used to mark maritime navigational hazards. The word is an acronym for RAdar beaCON.

Color (metallic structure): Orange
Color (concrete structure): Beige

The following light equipment was installed in the Lighthouse:

01 Gyrating lighthouse TRB - 400 Tideland
01 Racon Sea beacon 2 systems 5 Tideland
01 Lamp Tideland ML-300
04 Panels Solarex MX-60
08 Panels Solarex MX-30
28 6 volts Batteries, Exide brand, Ref. GC-4

- Marker B1

Position Lat. 10 23' 48" Long 75 32' 57"
Height from the bottom 5.6 meters
Depth 2.6
Color of structure Green
Identification number B1 in reflective material
Period 3" + 0.3 + 2.7 = 3"

- Marker B2

Position Lat. 10 19' 05" Long 75 34' 5"
Height from the bottom 4,6 meters
Color of structure Red
Identification number B2 in reflective material
Period 3" + 0.3 + 2.7 = 3"

The following light equipment was installed in the marker:

04 Panels Solarex Ref. MX-10
04 Regulators
04 Security Boxes for panels
02 Lamp ML-155 TIDELAND (full)
02 Batteries NG-31 recharged

Lieutenant JUAN CARLOS ARCILA VELASQUEZ
(acting) Chief of Maritime Signals on the Atlantic

Annex 161

1997 COLOMBIAN NAVY'S NOTICE TO SAILORS ON NEW LIGHTHOUSE IN SERRANILLA, TO REPLACE THAT BUILT BY COLOMBIA IN 1977

(Archives of the Colombian Navy)

National Navy
Maritime General Directorship
Atlantic Maritime Signaling

NOTICE TO SAILORS

Name	: SERRANILLA LIGHTHOUSE
Date of Installation	: 09-08-77
Date of Re-Installation	: 20-12-96
Latitude and Longitude	: Lat. = 15º47'42" N Long. = 79º50'40" W
Flash color	: White
Flash length FL 0.5 EC 5.5 = 20 sec.	: FL 0.5 EC 13.5
Rotation frequency	: 20 seconds
Focal height	: 32 meters
Reach in nautical miles	: 25 miles
Description of the element	: Rotating TRB-400 lighthouse installed on a 12-meter, red and white horizontally-striped metallic tower, placed atop an 18-meter high beige cylindrical concrete structure.
Base's height above sea level	: 2 meters
Charts affected	: COL-004

(Signed)
Lieutenant Gustavo Angel Sanin
Chief, Atlantic Maritime Signaling

Annex 162

RESOLUTION N° 287 OF THE NATIONAL INSTITUTE OF FISHERIES AND AQUICULTURE - INPA, 7 MAY 1997

(Archives of INPA, under the custody IDEAM)

NATIONAL INSTITUTE OF FISHERIES AND AQUICULTURE

RESOLUTION No. 000287 OF 07 MAY 1997

"By means of which a permit is granted for commercial-industrial fishing to mister DANIEL WILSON SINISTERRA QUIÑONEZ"

The Director-General of the National Institute of Fisheries and Aquiculture -INPA-, in use of its statutory legal faculties, and

CONSIDERING:

That mister DANIEL WILSON SINISTERRA QUIÑONEZ, identified with ID No 8.364.512 of Santafé de Bogotá, has requested from this General Directorship that a permit for commercial-industrial fishing be granted to him.

That mister DANIEL WILSON SINISTERRA QUIÑONEZ, presented the documents demanded by Article 68 of the Statutory Decree No 2256 of 1991 and articles 1st and 7th of the Agreement N° 0011 of 1991, issued by the Directive Board of the Institute.

That having studied the documents presented it was confirmed that they comply with the requirements foreseen by the Law 13 of 1990, the Statutory Decree N° 2256 of 1991 and all the other regulations issued on the matter, thus being appropriate to grant the requested permit.

That it corresponds to the Director-General of the INPA, to be informed of and decide over these kinds of requests, based upon the provisions of the Law 13 of 1990, and its Statutory Decree 2256 of 1991.

RESOLVES:

ARTICLE FIRST. To grant a permit for commercial-industrial fishing to mister DANIEL WILSON SINISTERRA QUIÑONEZ, residing in the 11th Street N° 10-40 MZ 5L.- 7 Back road of San Andrés (Islands), according to the following provisions:

1. Type of fishery and annual fishing quota:

Sea-Bottom Fish	25 Tons
Medium Pelagic Fish	25 Tons

PARAGRAPH. The fishing of neither Lobster nor Conch is authorized, due to the fact that no quota for the extraction of this resource is available for new users.

2. Destination of the products and their percentage:

National Market 100%

3. Area of Operations:

Atlantic Ocean

4. Port of unload of the products:

San Andrés - Islands

5. Vessels: ONE (1)

Name	DANIEL JR
Flag	Colombian
Length (m)	18.85
Breadth (m)	4.50
Depth (m)	1.80
Draught (m)	2.00
Gross Tonnage (TM)	43.67
Net Tonnage (TM)	26.40
Engine Power (H.P.)	360
Hull	Naval Steel
Type of fishery:	Sea-Bottom and Medium Pelagic Fish

Fishing arts and methods:

The motorboat shall operate with fishing rods with manual reels with 3 to 10 hooks of Japanese type N° 6 with nylon of 250 pounds resistance.

Location: San Andrés Islands

6. Duration of the permit:

Five (5) years.

7. Value of the taxes and rights:

a. Annual value of the Tax: The equivalent to 60 daily minimum legal wages.
b. Value of the Patent: It shall be liquidated by the Office of the INPA in San Andrés Islands.

PARAGRAPH. The issuance of the patent shall be issued showing the affreightment agreement beforehand.

ARTICLE SECOND. The holder of the permit shall present in the Office of the INPA in San Andrés, through a Marine Biologist or a Fishing Engineer with a valid professional license, annual reports about the use of the permit in the terms and conditions established by the Institute.

ARTICLE THIRD. The holder of the permit is obliged to comply with the existing provisions about the fishing activity, especially those established by the Law 13 of 1990 and its Statutory Decree 2256 of 1991, in case of failure to comply the present permit shall be revoked without prejudice of all the other civil and penal actions that may arise.

ARTICLE FOURTH. The holder in the moment of the notification of the present permit, shall pay the value of the tax settled in conformity with the established in the Agreement N° 0012 of 1991, leaving a record of the payment after the text of the present Resolution. In case of failure to comply the Regional Director or whoever notifies it, shall abstain from certifying the respective copies to its holder and the Resolution shall not have any validity until this requirement is fulfilled.
ARTICLE FIFTH. The Head of the Office of the INPA in San Andrés - Islands, shall revise and adjust annually the value of the tax established in the present Resolution and shall exercise permanent supervision to verify the compliance with the obligations acquired by the holder of the permit.

ARTICLE SIXTH. Whenever the holder of the permit furnishes false or incomplete information, or incurs in any of the grounds foreseen by Article 175 of the Statutory Decree N° 2256 of 1991, after previously checking the facts, shall have his permit revoked.

ARTICLE SEVENTH. The INPA reserves itself the right to embark at any time one of its employees to control personally the development of the operation, the expenses of the journey and his permanence on board, shall be paid by the holder of the permit.

ARTICLE EIGHTH. The present authorization does not exempt its holder from complying with the provisions required by other official agencies.

ARTICLE NINTH. Against the present Resolution proceeds the resource of appeal, which may be invoked in writing before the Director-General of the Institute within the

five (5) working days following its notification.

ARTICLE TENTH. For its notification and compliance a copy of the present Resolution shall be sent to the Office of the INPA in San Andrés - Islands, a copy shall also be sent to the Atlantic Regional Directorship and to the Maritime General Directorship - DIMAR-.

BE IT KNOWN TO ALL AND COMPLIED WITH

(Signed)
OSVALDO RAFAEL PEREZ MOLINA
Director-General

File N° 037-97 “DANIEL WILSON SINISTERRA QUIÑONEZ”

HJGM/marlen

Annex 163

RESOLUTION N° 806 FROM THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 23 DECEMBER 1997

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA
MINISTRY OF NATIONAL DEFENCE
NATIONAL NAVY MARITIME GENERAL DIRECTORSHIP

Resolution Number 0806
(23 DEC. 1997)

By means of which operation permit is granted for fishing expeditions in Colombian jurisdictional waters in the Atlantic Ocean to the fishing motorboat named "DON FABIO" of Nicaraguan flag.

THE GENERAL MARITIME DIRECTOR
In use of his legal faculties and,

CONSIDERING:

That "COMERCIALIZADORA INTERNACIONAL COMPAÑÍA DE ALIMENTOS Y PESCA S.A. - COAPESCA" has requested from the MARITIME GENERAL DIRECTORSHIP, by the intermediary of the Captaincy of the Port of Cartagena, authorization to operate the fishing motorboat called "DON FABIO", of Nicaraguan flag, to practice fishing expeditions in Colombian waters.

That the National Fishing and Aquiculture Institute -INPA-, has granted it the fishing patent No. 2618 R.C.A. valid through the 22nd of April 1998 to fish shrimp in low waters, in jurisdictional waters of the Colombian Atlantic Ocean.

That Law 13 of 1990 and its Statutory Decree 2256 of Oct 04/91 establishes the prohibition of fishing within the system of national parks and areas reserved for traditional fishing.

That by Resolution No. 0157 of March 05/93 INPA established that it is compulsory to carry with the nets the devices for excluding turtles HARD DETS.

That “COMERCIALIZADORA INTERNACIONAL COMPAÑÍA DE ALIMENTOS Y PESCA S.A. - COAPESCA”, in order to guarantee the Compliance with the rules of the Colombian Merchant Navy while the fishing motorboat called “DON FABIO”, of Nicaraguan flag, remains in Colombian jurisdictional waters, established the policy No. 525 of insurance company Atlas S.A., in the amount of FIVE HUNDRED THOUSAND PESOS ($ 500,000.00) on behalf of the -NATION- MARITIME GENERAL DIRECTORSHIP, valid through the 24th of February 1999.

That “COMERCIALIZADORA INTERNACIONAL COMPAÑÍA DE ALIMENTOS Y PESCA S.A. - COAPESCA”, in order to guarantee civil liability for the possible contamination that may occur as a result of the authorized activity while the fishing motorboat called “DON FABIO” of Nicaraguan flag remains in Colombian jurisdictional waters, established the policy No. 187 of insurance company Atlas S.A. covering four motorboats among which the aforementioned fishing vessel, in the amount of FIVE HUNDRED THOUSAND PESOS ($ 500,000.00) on behalf of the -NATION- MARITIME GENERAL DIRECTORSHIP, valid through the 24th of January 1999.

That the characteristics of the fishing motorboat are the following:

NAME:	“DON FABIO”
FLAG:	NICARAGUAN
LICENSE NUMBER:	1116
LENGTH:	21.64 Meters
BREADTH:	5.67 Meters
DEPTH:	2.80 Meters
REGISTERED GROSS TONNAGE:	114.58 Tons
REGISTERED NET TONNAGE:	56.10 Tons
PROPULSION:	One (01)
Caterpillar Motor of 425 H.P.	
MAXIMUM No. OF CREW MEMBERS:	Six (06)

That Decree 1862 of 1967 (October 4) in its Article 4 establishes that in order to practice fishing expeditions in Colombian jurisdictional waters the requirements provided for in the Legislation of the Colombian Merchant Navy must be complied with.

That the Law Decree 2324 of 1984 submits to the jurisdiction of the MARITIME GENERAL DIRECTORSHIP all the ships that navigate Colombian jurisdictional maritime waters.

That taking into account the activity that will be performed, there is no legal impediment to agree to the request.

RESOLVES:

ARTICLE 1 - Authorize the "COMERCIALIZADORA INTERNACIONAL COMPAÑÍA DE ALIMENTOS Y PESCA S.A. - COAPESCA", to operate the fishing motorboat called "DON FABIO" of Nicaraguan flag, in order to fish for shrimp in low waters, in jurisdictional waters of the Colombian Atlantic Ocean, while having to comply with INPA's provisions in matters related to the conservation of fishing and hydrobiological resources of the nation.

PARAGRAPH 1 - The motorboat "DON FABIO" of Nicaraguan flag shall keep and show the set of sail permit issued by the Captaincy of the respective port every time it comes back from an expedition. If it doesn't arrive to the same port it left from, notice shall be given to the port of departure about its arrival and the unloading of the product caught, for control purposes.

PARAGRAPH 2 - The present permit of operation is valid through the 22nd of April 1998 date of validity of the fishing patent No. 2618 R.C.A. issued by the Fishing and Aquiculture Institute -INPA.

ARTICLE 2 - In case of violation of the rules mentioned in the motive or the operative section of the present Resolution, the respective sanctions shall be imposed amongst which the immediate cancellation of the present permit.

ARTICLE 3 - For its notification and compliance, a copy of the present resolution shall be sent to the Captaincy of the Port of Cartagena, a copy sent to the Navy Command in the Atlantic, to the Specific Command of San Andrés and Providencia, to the National Fishing and Aquiculture Institute (INPA) and a copy filed in the respective folder.

ARTICLE 4 - The present resolution is in force since the date of its issuance and against it proceeds the revision appeal which may be requested in written form during the five (5) working days following its notification.

BE IT KNOWN TO ALL AND COMPLIED WITH

Issued in Santafé de Bogota D.C., on

23 DEC. 1997

(Signed)
Captain RICARDO ALVARADO REYES
General Maritime Director (E)

(Signed)
Captain JAIRO ORLANDO SUZUNAGA LEON
Secretary-General (E)

Annex 164

NOTE N° NR. 437 FROM THE CHIEF OF MARITIME SIGNALS ON THE ATLANTIC TO THE SECRETARY-GENERAL OF THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 10 DECEMBER 1988

(Archives of the Colombian Navy)

NATIONAL NAVY
GENERAL MARINE DIVISION
MARITIME SIGNALS ON THE ATLANTIC

Cartagena de Indias D.T. and C., 10 December 1998

No. 437: DIMAR SEMAT DIPLA

REF.: COSTS LIGHTHOUSE BAJO NUEVO

TO: Captain
JAIRO ORLANDO SUZUNAGA LEON
Secretary-General
General Marine Division
Santafe de Bogota, D.C.

I am pleased to send to you, enclosed to the present letter, an assessment of the costs involved in the full and total recovery of the Lighthouse Bajo Nuevo, located in the Archipelago of San Andrés Islands. This aid to navigation is located under our jurisdiction.

It is important to recall that after Hurricane Mitch passed through the area the said lighthouse was inclined by approximately 40° with regard to its vertical position.

This office recommends erecting a new lighthouse in the tallest place of the cay and destroying the existing structure. The reason for this is that in order to dismantle the existing lighthouse with a view to repair it some workers would have to climb on it and their life could be impaired because the whole structure could very well fall down, given the amount of force employed to be for that purpose.

I also want to stress that in order to carry out this operation it is indispensable to have a

ship in the area to support the workers working on the building and installation of the lighthouse and the said unit should remain there for at least 10 days.

It is also important to consider that in that cay there is no presence of marine infantry and no shelter that could be used by the workers engaged in the works just described.

Truly yours,

Captain GUSTAVO ANGEL SANIN
Chief of Maritime Signals on the Atlantic

Annex 165

OPERATION ORDER N° 2 OF 2000 FROM THE SPECIFIC COMMAND OF THE COLOMBIAN NAVY FOR SAN ANDRÉS AND PROVIDENCIA

(Archives of the Colombian Nay)

RESERVED

ORDER OF OPERATIONS COPY No. 03 OF 66 COPY
No. 002 CESYP - 2000 SPECIFIC COMMAND OF
SAN ANDRÉS AND PROVIDENCIA

San Andrés Island,

TIME ZONE (+5) ROMEO

REFERENCES:

PLANOPER Nr 001-CFT-COARC-98 - Plan Progress COARC/98
PLANOPER Nr 001 CFNA-96 - Plan Dolphin CFNA/98
O.P. Nr 001-CFNA-83 - Instructions for the Readiness of Unities.
O.P. Nr 00634-CARMA-EMNM3-279-JUN-83 - Sunken Species.
O.P. Nr 004-CESYP-DIC/89- Operative and Administrative Instructions.
CIRCULAR NOTE Nr 003-CFNA-805-ENE/92 - Customs Provisions.
NOTE Nr 2334-CARMA-782-APRIL 27/92 Register Instructions M/N
O.P. Nr 001-CESYP-99

ORGANIZATION OF TASKS

2. APPOINTED UNIT

3. SITUATION

4. General

5. The Specific Command of San Andrés and Providencia has a Maritime jurisdiction of 205.000 Km2 in whose waters activities of maritime traffic, innocent passage,

industrial and inshore fishery of different types and species are developed.
6. The CESYP has 06 Advanced Naval Posts located between 20 and 240 nautical miles off SAI, that require supervision and control, effective communications and regular personal and material logistic support.
7. The jurisdictional maritime extension, the geo-strategic position of the archipelago, the socio-economic situation of adjacent countries and the Island, are factors that stimulate drug-trafficking illicit activities, arms-trafficking, fuel trade, unlicensed fishing and/or outside current regulations.
8. The mission of CESYP establishes tasks in the internal and external fields in order to preserve the public order and maintain the sovereignty in the jurisdiction.

6. Enemy forces

Smugglers, illegal fishermen, drug dealers in the area and groups that threaten the marine environment.

7. Allied forces

All the other units of CFNA, CESYP, GACAR, DPSAI, and Security Organisms of the State.

8. MISSION

The Appointed Unit after receiving orders sets sail from the San Andrés Departmental Dock towards the western area of the Quitasueño bank with the aim of keeping presence and sovereignty, patrolling and exercising maritime control in the maritime jurisdiction of the CESYP; takes extreme control measures to detect ships that practice illegal fishing activities, drug-trafficking, arms-trafficking and smuggling.

9. EXECUTION

10. Concept of the operation

Basically the operation consists in setting sail after getting orders from the San Andrés Departmental Dock towards the area “Luna Verde”, to the west of the Quitasueño bank comprised within the following points:

Point A Latitude 14º 00 N Longitude 82º 00 W
Point B Latitude 14º 59 N Longitude 82º 00 W
Point C Latitude 14º 59 N Longitude 81º 15 W
Point D Latitude 14º 00 N Longitude 81º 15 W

Where it patrols and develops maritime control in the zone, keeping presence and sovereignty; during the operation it remains alternatively anchored and in navigation, seeking to keep on navigating with low fuel consumption.

During its navigation in the area, it inspects all the motorboats to determine which units are practicing illegal fishing or other illegal activities.

The leader of the Unit projects and performs exercises at the level of the station and task unit during the development of the operation, to consolidate the practical knowledge, increase the marine dexterity of the personnel and when confronted to emergencies strengthen the coordinated response of the team and equipment in face of emergencies.

11. Itinerary

ETD ETA
Dock Day D Hour H Operation Area H+6 Hours
Departmental
Operation Area A order

3. SPECIAL INSTRUCTIONS

4. The permanent order Nr 001-CFNA-83, establishes general and particular measures, about the enlistment of the Units, which shall be observed bearing in mind that the security of the material and personnel prevails over any maneuver or exercise.
5. That Permanent Directive 010-CARMA-DIMAR-335 Sep/92 provides for the updating of the Sailing Directions of the Northern Coast and the Insular Area of the Colombian Caribbean. By signal 021033R CFNA-Mar/95, was established the annex of reports, which will be annexed to the Journey Report.
6. The agreement No. 024 of Jun/83 and the Resolutions 1294 Aug/88 0894 Jul/92 of DIMAR, give the instructions for the control of activities of trail or industrial fishery in the banned areas.
7. The Permanent Orders 004 CESYP Dec/89 and 005 CESYP Apr/90, establish the administrative, operational and behavioral instructions for the units of the FNA, under the operational command of the CESYP.
8. The Permanent Directive No. 001 CFNA-93 “Naval Intelligence and Control of Maritime Traffic” provides the radio monitoring with the aim of detecting enemy activities and feeding the information banks of the Unit and the FNA-N2.
9. To strictly comply with the established rules on Human Rights and IHL.
10. During the Oroper it exercises the functions of control and supervision for the absolute compliance with the current Laws and provisions for the conservation and protection of the marine environment.

COMMANDER OF THE APPOINTED UNIT

1. To strictly comply with the summary of permanent orders.
2. The set of sail and anchorage maneuvers in the islands of the Archipelago, will be a logical consequence of the analysis of the wind, currents, depth, type of bottom, adjacent area, functional distance to the Island and indications and precautions of the

charts of navigation. The Unit will remain anchored and safe at sea at each one of the Islands.

3. During the navigation performs security checks and refrains from executing maneuvers that may require forcing the material or its systems.

4. Seizes the characteristics of the design of the unity and its propulsion systems, to obtain the best efficacy with the lowest cost and fuel consumption, which implies sailing at economic speed.

5. The execution of any type of risky maneuver, will be a logical consequence of the analysis of factors, response capacity of the equipments, experience and capability and time conditions not to compromise neither the personnel nor the material.

X. COORDINATION INSTRUCTIONS

2. The Commander sets all the necessary mechanisms to avoid any entry of narcotics to the unit, complying with the D.P. 001 CESYP/99 about anti-narcotics checkup. Before the set of sail from San Andrés, makes a thorough inspection of the entire ship, internally and externally, so that no space or part is left without examination and elaborates a minute of assignment and distribution of spaces, sending copies to this Command. During the evolution of the operation makes regular inspections with the same purpose.

3. Verifies the maritime signals and characteristics of the navigational aids and informs the news immediately to CFNA or CCESYP to take corrective action.

4. If the seizure of a vessel were to occur or any tactical situation occurred, the corresponding minute shall be elaborated if possible with photographs, films, documents and fingerprint records with the aim of guaranteeing the objectivity of those evidences by keeping them intact.

5. In the third meeting of the Vázquez-Saccio Treaty of 1982 (sic), it was decided that the Colombian authorities may aboard and inspect the vessels that are operating under this treaty and to verify the compliance with the measures of conservation of the fishing resources, for which the formats contemplated in the S.O.P. will be used.

6. To apply rules and provisions of the agreement signed by the governments of COLOMBIA and the UNITED STATES OF AMERICA to suppress illicit traffic by sea signed on the 20th of February 1997, whose copy is in the S.O.P.

7. To inspect those vessels of Colombian flag that in the view of the Unit Commander, by their characteristics, position, activity and attitude he considers suspicious of activities punishable by Law.

8. To refrain from giving the positions of the Unit in Spanish, to avoid giving away information of interest for criminal organizations. Cases of extreme emergency are an exception. To employ the DAYTRON communication system to the fullest.

9. To inspect, retain or capture any vessel with a foreign flag outside the territorial sea, authorization is required from the Navy Command in the Atlantic through the Specific Command of San Andrés and Providencia.

10. The present order of operations shall be activated by signal with the following format:

BT.- X Activate order of operations No. 002 CESYP-CFNA/00 X

1. Unit
2. Itinerary
3. Additional instructions
4. Supply day

4. ADMINISTRATION AND LOGISTICS

Supplies the unit according to the order.

5. COMMUNICATIONS AND COMMAND

a. Communications and Reports

6. Operational traffic according to appendix 1 and 2 of Annex "C" of the Planoper 001-CFNA-"DOLPHIN"-99, which must be strictly complied with.
7. Keeps permanent communication with the CCESYP in its jurisdiction.
8. Of all the operational communications it generates sends information to JONA, EMNM3, COA and COFA.
9. Keeps listening to frequency 8.210.5 KHz, frequency of contact for the fishermen in the area in order to assist them in any event.

b. Command: The Commander of the SPECIFIC COMMAND OF SAN ANDRÉS AND PROVIDENCIA in his office.

(Signed)
Captain JOSE LUIS CUENCA FERRADA
COMMANDER OF THE SPECIFIC COMMAND OF SAN ANDRÉS AND PROVIDENCIA

Annexes: A: Monitoring report

DISTRIBUTION: ORIGINAL JONA
CFNA COPY No. 1
N3CESYP COPY No. 2
APPOINTED UNIT COPY No. 3
APPOINTED UNIT COPY No. 4
APPOINTED UNIT COPY No. 5
APPOINTED UNIT COPY No. 6

RESERVED

Annex 166

RESOLUTION N° 26 FROM THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 4 FEBRUARY 2000

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA
MINISTRY OF NATIONAL DEFENCE
NATIONAL NAVY MARITIME GENERAL DIRECTORSHIP

Resolution Number 0026
(04 FEB. 2000)

By means of which is authorized the stay and temporary operation in Colombian jurisdictional maritime waters of the fishing motorboat called MISS TINA of Nicaraguan flag.

THE GENERAL MARITIME DIRECTOR
In use of his legal faculties given by section 6 of article 5 of the Law Decree 2324 of the eighteenth (18) of September 1984 and article 41 of the Statutory Decree 1423 of the thirtieth (30) of June 1989, and

CONSIDERING:

That mister John Alberto Taylor Newball acting in his capacity as owner of the Trade Facility called Transporte Taylor, as stated in the Certificate of the Chamber of Commerce issued in San Andrés on the 6th of December 1999, has requested on the twenty-ninth (29) of December 1999 by the intermediary of the Captaincy of the Port of San Andrés authorization to the MARITIME GENERAL DIRECTORSHIP to operate the fishing motorboat called "MISS TINA" of Nicaraguan flag, to practice fishing expeditions in Colombian jurisdictional maritime waters.

That the National Institute for Fishery and Aquiculture INPA, has granted the Fishing Patent number 2950 S.A.I. valid through the twenty-sixth (26) of June of the year 2000, to practice white fishing in the Colombian jurisdictional maritime waters of the Caribbean Sea, in which it is forbidden to use nets in the Archipelago of San Andrés, Providencia and Santa Catalina.

That by articles 1st, 4th and 5th of the Agreement 0017 of the eighth (8) of May 1990 of the INDERENA, approved by the INPA with Resolution number 140 of the twenty-seventh (27) of June 1990 the fishing ban for the Caribbean queen conch in the area of the Quitasueño bank is established, forbidding the extraction of spiny lobsters with a tail shorter than 14 cm., and the catch of females carrying eggs.

That section 3 of article 51 of the Law 13 of the fifteenth (15) of January 1990 and article 22 of its Statutory Decree 2256 of the fourth (4) of October 1991 establish the prohibition of practicing fishing within the areas reserved for inshore fishery in the Caribbean Sea.

That in conformity with Article 1 of the Resolution number 170 of the twentieth (20) of October 1998, of the Ministry of Agriculture and Article 4 of the Agreement 000012 of the seventh (7) of November 1995, of the National Institute for Fishery and Agriculture INPA, an inshore fishery zone is established in the area of the Guajira Peninsula and the practice of inshore fishery at a distance of five (5) nautical miles starting from the lowest tide in all the maritime coast of the Departments of Cordoba and Sucre, respectively.

That by means of Resolution number 0179 of the fifth (5) of May 1995 the INPA established the ban of conch from the first (1) of June until the thirty-first (31) of October of every year in the Colombian Caribbean Sea and the ban on the Caribbean queen conch is confirmed in the area of the Quitasueño bank until the recovery of the species.

That in order to guarantee the compliance with the rules of the Colombian Merchant Navy,

That mister John Alberto Taylor Newball, acting in his capacity as owner of the Trading Facility called Transporte Taylor, in order to guarantee the compliance with the rules of the Colombian Merchant Navy while the fishing motorboat called “MISS TINA” of Nicaraguan flag remains in the Colombian jurisdictional waters of the Caribbean Sea has established the Policy number 0210208862 of the insurance company La Previsora S.A., in the amount of five hundred thousand pesos ($500,000.00), on behalf of the Nation - MARITIME GENERAL DIRECTORSHIP, valid through the thirteenth (13) of December of the year 2000.

That mister John Alberto Taylor Newball acting in his capacity as owner of the Trading Facility called Transporte Taylor, shall answer for the possible contamination that may occur as a result of the stay and authorized operation of the fishing motorboat called Miss Tina of Nicaraguan flag in the Colombian jurisdictional maritime waters of the Caribbean Sea before the corresponding Environmental Authority.

That the characteristics of the fishing motorboat are the following:

NAME: Miss Tina
FLAG: Nicaraguan

LICENSE: 1123
LENGTH: 15.21 Meters
BREADTH: 6.10 Meters
DEPTH: 1.80 Meters
REGISTERED GROSS TONNAGE: 69.66 Tons
REGISTERED NET TONNAGE: 46.44 Tons
TYPE OF MACHINE OR ENGINE: Cummins Engine with 360 H.P.
MAXIMUM No. OF CREW MEMBERS: Six (6)

That article 4 of Decree 1862 of the fourth (4) of October 1967 establishes that in order to practice fishing expeditions in Colombian jurisdictional waters the requirements provided for in the Legislation of the Colombian Merchant Navy must be complied with.

That mister John Alberto Taylor Newball in his capacity as owner of the Trading Facility called Transporte Taylor, showed all the certificates of seaworthiness and security issued by the National Maritime Authority belonging to the fishing motorboat called Miss Tina of Nicaraguan flag, verified by the Division of People and Vessels, which shall have to be renewed immediately on their expiration date.

That section 6 of article 5 of the Law Decree 2324 of the eighteenth (18) of September 1984, establishes that it is a function of the General Maritime Authority, to authorize the operation of vessels and naval artifacts in Colombian waters.

That taking into account the activity that shall be performed, there is no legal, or technical impediment to agree to the request.

RESOLVES:

ARTICLE 1. To authorize the stay and temporary operation in the Colombian jurisdictional maritime waters of the Caribbean Sea to the fishing motorboat called Miss Tina of Nicaraguan flag, except in the area of the Guajira peninsula and in the five (5) nautical miles measured from the lowest tide in the departments of Cordoba and Sucre, as well as in the areas reserved for inshore fishery in the Colombian Caribbean Sea.

PARAGRAPH: The present Resolution of authorization, is conditioned to the compliance with the following requirements:

1. To comply with the legal provisions, regarding the percentage of Colombian workers that must be employed in the execution of the expeditions, for which the operation is authorized.
2. To unload all the product of the authorized catch in a Colombian port.
3. To notify immediately the Captaincy of the Port of San Andrés in the moment that the fishing boat Miss Tina of Nicaraguan flag is disaffiliated.
4. To pay on behalf of the Nation - MARITIME GENERAL DIRECTORSHIP a fee

of one dollar and eighty cents (US $ 1.80) of the United States of North-America per net registered ton or fraction per year converted into legal Colombian currency at the representative exchange rate of the market, informed by the Banking Superintendent's Office on the date the respective payment is made, in conformity with the provisions of the first paragraph and paragraph d) of article 1 of the Decree 732 of the thirtieth (30) of March 1979, in conformity with article 1 of the decree 2771 of the sixteenth (16) of December 1991.

ARTICLE 2. The present authorization is valid through the twenty-sixth (26) of June of the year 2000 date of validity of the Fishing Patent Certificate No. 2950 S.A.I. issued by the National Institute for Fishery and Aquiculture - INPA.

ARTICLE 3. In case of violation of the legal provisions concerning the administrative regime of the vessels, of the Merchant Navy and of the present Resolution the respective sanctions shall be imposed, regardless of the sanctions that it may be incumbent upon other authorities to impose.

ARTICLE 4. Against the present Resolution proceeds the revision appeal which must be submitted in written form to the General Maritime Director within the five (5) working days following its notification.

ARTICLE 6. For purposes of notification and control the Division of People and Vessels must inform the Captaincies of the Ports of Cartagena, Barranquilla, Santa Marta, the Navy Command in the Atlantic and the Specific Command of San Andrés and Providencia.

ARTICLE 7. Once in force, the Captaincy of the Port of San Andrés shall send two (2) copies of the Resolution to the Division of People and Vessels and to the Administrative Division, to the Captaincies of the Ports of Cartagena, Barranquilla and Santa Marta, to the Command of the Navy in the Atlantic, to the Specific Command of San Andrés and Providencia, to the National Institute for Fishery and Aquiculture - INPA, to the Ministry of the Environment and a copy placed in the respective file.

ARTICLE 8. The present resolution is in force since the date of its issuance.

BE IT NOTIFIED, KNOWN TO ALL AND COMPLIED WITH

Issued in Santafé de Bogota D.C., on

04 FEB. 2000

(Signed)
Rear-Admiral Jaime Jaramillo Gómez
General Maritime Director

Annex 167

RESOLUTION N° 440 FROM THE COLOMBIAN MARITIME AND PORT GENERAL DIRECTORSHIP, 7 NOVEMBER 2001

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA
MINISTRY OF NATIONAL DEFENCE
NATIONAL NAVY MARITIME GENERAL DIRECTORSHIP

Resolution Number 0440
(07 NOV. 2001)

By means of which is authorized the stay and temporary operation in Colombian jurisdictional maritime waters of the Archipelago of San Andrés and Providencia and Santa Catalina of the fishing motorboat "MISS TINA" of Nicaraguan flag.

THE GENERAL MARITIME DIRECTOR
In use of his legal faculties given by section 6 of article 5 of the Law Decree 2324 of the eighteenth (18th) of September 1984 and article 41 of the Statutory Decree 1423 of the thirtieth (30th) of June 1989, and

CONSIDERING:

That mister Daniel Wilson Sinisterra Quiñonez identified with Colombian ID Card (cédula de ciudadanía) No. 80.364.512 from Bogota and in his capacity as owner of the Trade Facility called BARCO "DANIEL JR"., as stated in the Certificate of Registration for Natural Person issued by the Chamber of Commerce of San Andrés and Providencia on the twenty-seventh (27) of August 2001, has requested on the twelfth (12) of October 2001, that by the intermediary of the Captaincy of the Port of San Andrés to the MARITIME GENERAL DIRECTORSHIP authorization to operate the fishing motorboat called "MISS TINA" of Nicaraguan flag to practice fishing expeditions in Colombian jurisdictional maritime waters.

That the National Institute for Fishing and Aquiculture INPA, has granted the Fishing Patent number 5259 valid through the thirty-first (31) of December 2001, to practice the fishing of conch and white fishing in Colombian jurisdictional maritime waters of the Archipelago of San Andrés Providencia and Santa Catalina, in which the catch of the

Caribbean queen conch is forbidden between the first (1) of June and the thirty-first (31) of October of each year, as well as the use of compressors, to practice expeditions outside the area of the Archipelago of San Andrés, Providencia and Santa Catalina is not authorized.

That by articles 1st, 4th and 5th of the Agreement 0017 of the eighth (8) of May 1990 of the INDERENA, approved by the INPA by Resolution number 140 of the twenty-seventh (27) of June 1990 the fishing ban for the Caribbean queen conch in the area of the Quitasueño bank is established, forbids the extraction of spiny lobsters with a tail shorter than 14 cm., and the catch of females carrying eggs.

That section 3 of article 51 of the Law 13 of the fifteenth (15) of January 1990 and article 22 of its Statutory Decree 2256 of the fourth (4) of October 1991 establish the prohibition of practicing fishing within the areas reserved for inshore fishery in the Caribbean Sea.

That by means of Resolution number 0179 of the fifth (5) of May 1995 the INPA established the ban of conch from the first (1) of June until the thirty-first (31) of October of each year in the Colombian Caribbean Sea and the ban of the Caribbean queen conch is confirmed in the area of the Quitasueño bank until the recovery of the species.

That article 1 of the Resolution 1426 of the twentieth (20) of December 1996 of the Ministry of the Environment, declares as an Area of Special Management the administration, management and protection of the environment and the natural renewable resources of the area of the Department Archipelago of San Andrés, Providencia and Santa Catalina.

That mister Daniel Wilson Sinisterra Quiñonez identified with Colombian ID Card No. 80.364.512 of Bogota and in his capacity as owner of the Trading Facility called BARCO “DANIEL JR”, to guarantee the compliance with the rules of the Colombian Merchant Navy while the fishing motorboat called “MISS TINA” of Nicaraguan flag remains in the jurisdictional maritime waters of the Archipelago of San Andrés, Providencia and Santa Catalina, established the Policy number 1002240 of the Insurance Company La Previsora S.A., in the amount of five hundred thousand pesos ($ 500,000.00), on behalf of the Nation - MARITIME GENERAL DIRECTORSHIP, valid through the twenty-seventh (27) of December 2002.

That mister Daniel Wilson Sinisterra Quiñonez identified with Colombian ID Card No. 80.364.512 of Bogota and in his capacity as owner of the Trading Facility called BARCO “DANIEL JR”, shall answer for the possible contamination that may occur as a result of the stay and authorized operation of the fishing motorboat called “MISS TINA” of Nicaraguan flag in Colombian jurisdictional maritime waters of the Archipelago of San Andrés, Providencia and Santa Catalina before the corresponding Environmental Authority.

That the characteristics of the fishing motorboat are the following:

LICENSE: 1123
LENGTH: 15.21 Meters
BREADTH: 6.10 Meters
DEPTH: 1.80 Meters
REGISTERED GROSS TONNAGE: 69.66 Tons
REGISTERED NET TONNAGE: 46.44 Tons
TYPE OF MACHINE OR ENGINE: One Diesel 360 H.P.
MAXIMUM No. OF CREW MEMBERS: Five (5)

That article 4 of Decree 1862 of the fourth (4) of October 1967 establishes that in order to practice fishing expeditions in Colombian jurisdictional waters the requirements provided for in the Legislation of the Colombian Merchant Navy must be complied with.

That mister Daniel Wilson Sinisterra Quiñonez identified with Colombian ID Card No. 80.364.512 of Bogota and in his capacity as owner of the Trading Facility called BARCO "DANIEL JR", presented all the certificates of seaworthiness and security issued by the National Maritime Authority belonging to the fishing motorboat called "MISS TINA" of Nicaraguan flag verified by the Division of People and Vessels.

That section 6 of article 5 of the Law Decree 2324 of the eighteenth (18) of September 1984, establish that it is a function of the General Maritime Authority, to authorize the operation of vessels and naval artifacts in Colombian waters.

That taking into account the activity that will be performed, there is no legal or technical impediment to agree to the request.

RESOLVES:

ARTICLE 1. To authorize the stay and temporary operation in jurisdictional maritime waters of the Archipelago of San Andrés, Providencia and Santa Catalina to the fishing motorboat called "MISS TINA" of Nicaraguan flag except in the Area of Special Management, formed by the Islands of San Andrés, Providencia and Santa Catalina, the Cays of Albuquerque, East South-East, Roncador, Serrana, Quitasueño, Bajo Nuevo, Serranilla and Alicia Banks, and the rest of islands, islets, cays, rocks, banks and reefs and the territorial sea comprised within the jurisdiction of the Department Archipelago of San Andrés, Providencia and Santa Catalina.

PARAGRAPH: The present Resolution of authorization is conditioned to the compliance with the following requirements:

1. To comply with the provisions of Article 61 of Law 13 of 1990 and all the other legal provisions, regarding the percentage of Colombian workers that must be employed

in the execution of the expeditions, for which the operation is authorized.
2. To unload all the product of the authorized catch in a Colombian port.
3. To notify immediately the Captaincy of the Port of San Andrés in the moment that the fishing boat "MISS TINA" of Nicaraguan flag is disengaged in order to cancel the permit authorized by the present Resolution.
4. To pay on behalf of the Nation - MARITIME GENERAL DIRECTORSHIP every time they enter into Colombian port for the use of lighthouses and buoys, a fee of one dollar and eighty cents (US $ 1.80) of the United States of North-America per net registered ton or fraction per year converted into legal Colombian currency at the representative exchange rate of the market, informed by the Banking Superintendent's Office on the date that the respective payment is made, in conformity with the provisions of the first paragraph and paragraph d) of article 1 of the Decree 732 of the thirtieth (30) of March 1979, in conformity with article 1 of the decree 2771 of the sixteenth (16) of December 1991.
5. To comply with the provisions of the fishing Patent number 5259, in which it is forbidden to catch the Caribbean queen conch between the 1st of June and the 31st of October of each year, and to use compressors, it is not authorized to practice expeditions outside the area of the Department Archipelago of San Andrés, Providencia and Santa Catalina.
6. To request the corresponding set of sail permit every time the vessel leaves a Colombian port due to the fact that the present resolution does not exempt it from doing it.

ARTICLE 2. The present authorization is valid through the thirty-first (31) of December 2001 date of validity of the Fishing Patent Certificate No. 5259 issued by the National Institute for Fishery and Aquiculture, Minister of Agriculture of the Republic of Colombia.

ARTICLE 3. In case of violation of the legal provisions concerning the administrative regime of the vessels, of the Merchant Navy and of the present Resolution the respective sanctions shall be imposed, regardless of the sanctions that it may be incumbent upon other authorities to impose.

ARTICLE 4. For its notification and compliance a copy of the present Resolution shall be sent to the Captaincy of the Port of San Andrés.

ARTICLE 5. Against the present Resolution proceeds the revision appeal which must be submitted in written form to the General Maritime Director within the five (5) working days following its notification.

ARTICLE 6. For purposes of notification and control the Division of People and Vessels must inform the Captaincies of the Ports of Cartagena, Barranquilla, Santa Marta, the Navy Command in the Atlantic and the Specific Command of San Andrés and Providencia.

ARTICLE 7. Once approved, the Captaincy of the Port of San Andrés shall send a copy of the Resolution to the Division of People and Vessels, to the Administrative Division, to the Ministry of Foreign Affairs, Ministry of the Environment and to the National Institute for Fishery and Aquiculture - INPA.

ARTICLE 8. The present resolution is in force since the date of its issuance.

BE IT NOTIFIED, KNOWN TO ALL AND COMPLIED WITH

Issued in Santafé de Bogota D.C., on

07 NOV. 2001

(Signed)
Rear-Admiral CARLOS HUMBERTO PINEDA GALLO
General Maritime Director

Annex 168

RESOLUTION N° 474 FROM THE COLOMBIAN AND MARITIME AND PORT GENERAL DIRECTORSHIP, 12 DECEMBER 2001

(Archives of the Colombian Navy)

REPUBLIC OF COLOMBIA
MINISTRY OF NATIONAL DEFENCE
NATIONAL NAVY
MARITIME GENERAL DIRECTORSHIP

Resolution Number 474
(12 December 2001)

By means of which is authorized the stay and temporary operation in the Colombian jurisdictional maritime waters of the Archipelago of San Andrés and Providencia and Santa Catalina of the fishing motorboat called "EXPLORER II" of Nicaraguan flag.

THE GENERAL MARITIME DIRECTOR
In use of his legal faculties given by section 6 of article 5 of the Law Decree 2324 of the eighteenth (18) of September 1984 and article 41 of the Statutory Decree 1423 of the thirtieth (30) of June 1989, and

CONSIDERING:

That mister GABRIEL JAIME AVILA TOVAR and in his capacity as owner of the Trading Facility called PESCA ISLAS, as stated in the Certificate of Registration for Natural Person issued by the Chamber of Commerce of San Andrés and Providencia on the twenty-ninth (29) of October 2001, has requested on the fourteenth (14) of November 2001, by the intermediary of the Captaincy of the Port of San Andrés to the MARITIME GENERAL DIRECTORSHIP authorization to operate the fishing motorboat called "EXPLORER II" of Nicaraguan flag to practice fishing expeditions in Colombian jurisdictional maritime waters.

That the National Institute for Fishery and Aquiculture INPA, has granted the Fishing Patent number 5261 valid through the twenty-first (21) of April 2002, to practice white fishing in the Colombian jurisdictional maritime waters of the Archipelago of San Andrés Providencia and Santa Catalina, in which it is forbidden to use nets, compres-

sors, and autonomous scuba diving equipments, it is not authorized to practice expeditions outside the Archipelago of San Andrés, Providencia and Santa Catalina.

That by articles 1st, 4th and 5th of the Agreement 0017 of the eighth (8) of May 1990 of the INDERENA, approved by the INPA by Resolution number 140 of the twenty-seventh (27) of June 1990 is established the fishing ban for the Caribbean queen conch in the area of the Quitasueño bank, is forbidden the extraction of spiny lobsters with a tail shorter than 14 cm., and the catch of females carrying eggs.

That section 3 of article 51 of the Law 13 of the fifteenth (15) of January 1990 and article 22 of its Statutory Decree 2256 of the fourth (4) of October 1991 establish the prohibition of fishing within the areas reserved for inshore fishery in the Caribbean Sea.

That by means of Resolution number 0179 of the fifth (5) of May 1995 the INPA established the ban of conch from the first (1) of June until the thirty-first (31) of October of each year in the Colombian Caribbean Sea and the ban of the Caribbean queen conch is confirmed in the area of the Quitasueño bank until the recovery of the species.

That article 1 of the Resolution 1426 of the twentieth (20) of December 1996 of the Ministry of the Environment, declares as an Area of Special Management for the administration, management and protection of the environment and the natural renewable resources the area of the Department Archipelago of San Andrés, Providencia and Santa Catalina.

That the only paragraph of article 1st of the Resolution 1426 of the twentieth (20) of December 1996, of the Ministry of the Environment, specifies that the Area of Special Management is formed by the Islands of San Andrés, Providencia and Santa Catalina, the Cays of Albuquerque, East South-East, Roncador, Serrana, Quitasueño, Bajo Nuevo, Serranilla and Alicia Banks, and the rest of islands, islets, rocks, cays, banks and reefs and the territorial sea comprised within the jurisdiction of the Department Archipelago of San Andrés, Providencia and Santa Catalina.

That mister GABRIEL JAIME AVILA TOVAR and in his capacity as owner of the Trading Facility called PESCA ISLAS, to guarantee the compliance with the rules of the Colombian Merchant Navy while the fishing motorboat called "EXPLORER II" of Nicaraguan flag remains in the jurisdictional maritime waters of the Archipelago of San Andrés, Providencia and Santa Catalina, established the Policy number 1002392 of the Insurance Company La Previsora S.A., in the amount of five hundred thousand pesos ($ 500,000.00), on behalf of the Nation - MARITIME GENERAL DIRECTORSHIP, valid through the twenty-fifth (25) of January 2003.

That mister GABRIEL JAIME AVILA TOVAR and in his capacity as owner of the Trading Facility called PESCA ISLAS, shall answer for the possible contamination that may occur as a result of the stay and authorized operation of the fishing motorboat called "EXPLORER II" of Nicaraguan flag in Colombian jurisdictional maritime waters of the

Archipelago of San Andrés, Providencia and Santa Catalina before the corresponding Environmental Authority.

That the characteristics of the fishing motorboat are the following:

LICENSE:	1.577
LENGTH:	20.37 Meters
WIDTH:	6.50 Meters
DEPTH:	2.00 Meters
DRAFT:	1.04 Meters
REGISTERED GROSS TONNAGE:	110.28 Tons
REGISTERED NET TONNAGE:	73.52 Tons
TYPE OF MACHINE OR ENGINE:	One GM Detroit/ 12V71 365 H.P.
MAXIMUM No. OF CREW MEMBERS:	Seven (7)

That article 4 of Decree 1862 of the fourth (4) of October 1967 establishes that in order to practice fishing expeditions in Colombian jurisdictional waters the requirements provided for in the Legislation of the Colombian Merchant Navy must be complied with.

That mister GABRIEL JAIME AVILA TOVAR and in his capacity as owner of the Trading Facility called PESCA ISLAS, showed all the certificates of seaworthiness and security issued by the National Maritime Authority belonging to the fishing motorboat called "EXPLORER II" of Nicaraguan flag verified by the Division of People and Vessels.

That section 6 of article 5 of the Law Decree 2324 of the eighteenth (18) of September 1984, establishes that it is a function of the General Maritime Authority, to authorize the operation of vessels and naval artifacts in Colombian waters.

That taking into account the activity that it will undertake, there is no legal or technical impediment to agree to the request.

RESOLVES:

ARTICLE 1. To authorize the stay and temporary operation in jurisdictional maritime waters of the Archipelago of San Andrés, Providencia and Santa Catalina to the fishing motorboat called "EXPLORER II" of Nicaraguan flag except in the Area of Special Management, formed by the Islands of San Andrés, Providencia and Santa Catalina, the Cays of Albuquerque, East South-East, Roncador, Serrana, Quitasueño, Bajo Nuevo, Serranilla and Alicia Banks, and the rest of islands, islets, rocks, cays, banks and reefs and the territorial sea comprised within the jurisdiction of the Department Archipelago of San Andrés, Providencia and Santa Catalina.

PARAGRAPH: The present Resolution of authorization is conditioned to the fulfillment of the following requirements:

a) To comply with the provisions of Article 61 of Law 13 of 1990 and all the other legal provisions, regarding the percentage of Colombian workers that must be employed in the execution of the expeditions, for which the operation is authorized.
b) To unload all the product of the authorized catch in a Colombian port.
c) To notify immediately the Captaincy of the Port of San Andrés in the moment that the fishing boat "EXPLORER II" of Nicaraguan flag is disaffiliated in order to cancel the permit authorized by the present Resolution.
d) To pay on behalf of the Nation - MARITIME GENERAL DIRECTORSHIP every time they enter into Colombian port for the use of lighthouses and buoys, a fee of one dollar and eighty cents (US $ 1.80) of the United States of North-America per net registered ton or fraction per year converted into legal Colombian currency at the representative exchange rate of the market, informed by the Banking Superintendent's Office on the date that the respective payment is made, in conformity with the provisions of the first paragraph and paragraph d) of article 1 of the Decree 732 of the thirtieth (30) of March 1979, in conformity with article 1 of the decree 2771 of the sixteenth (16) of December 1991.
e) To comply with the provisions of the fishing Patent number 5261, by which it is forbidden to use nets, compressors, and autonomous scuba diving equipments, it is not authorized to practice expeditions outside the Archipelago of San Andrés, Providencia and Santa Catalina.
f) To request the corresponding set of sail permit every time the vessel leaves a Colombian port due to the fact that the present resolution does not exempt it from doing it.

ARTICLE 2. The present authorization is valid through the twenty-first (1) of April 2002 date of validity of the Fishing Patent Certificate No. 5261 issued by the National Institute for Fishery and Aquiculture - INPA, Minister of Agriculture.

ARTICLE 3. In case of violation of the legal provisions concerning the administrative regime of the vessels, of the Merchant Navy and of the present Resolution the respective sanctions shall be imposed, regardless of the sanctions that it may be incumbent upon other authorities to impose.

ARTICLE 4. For its notification and compliance a copy of the present Resolution shall be sent to the Captaincy of the Port of San Andrés.

ARTICLE 5. Against the present Resolution proceeds the revision appeal which must be submitted in written form to the General Maritime Director within the five (5) working days following its notification.

ARTICLE 6. For purposes of notification and control the Division of People and Vessels must inform the Captaincies of the Ports of Cartagena, Barranquilla, Santa Marta, the

Navy Command in the Atlantic and the Specific Command of San Andrés and Providencia.

ARTICLE 7. Once in force, the Captaincy of the Port of San Andrés shall send a copy of the Resolution to the Division of People and Vessels, to the Administrative Division, to the Ministry of Foreign Affairs, Ministry of the Environment and to the National Institute for Fishery and Aquiculture - INPA.

ARTICLE 8. The present resolution is in force since the date of its issuance.

Be it notified, known to all and complied with

Issued in Santafé de Bogota D.C., on

12 DEC. 2001

(Signed)
Rear-Admiral Carlos Humberto Pineda Gallo
General Maritime Director

Annex 169

OPERATION PERMIT FROM THE COLOMBIAN MARITIME GENERAL DIRECTORSHIP, 24 APRIL 2002

(Archives of the Colombian Navy)

MINISTRY OF DEFENSE - NATIONAL NAVY

THE GENERAL MARITIME DIRECTORSHIP
NOTIFIES:

THAT THE SHIP CAPITANA

WITH LICENSE NO. 1214 FLAG: NICARAGUA

WITH A GROSS TONNAGE OF 120.00 Tons. AND NET TONNAGE OF 85.00 Tons.

AFFILIATING COMPANY C.I. ANTILLANA S.A.

Once verified the fulfillment of the requirements that to that end stipulate the rules of the Merchant Navy, grants the present:

OPERATION PERMIT FOR FOREIGN FISHERMEN

In jurisdictional waters of SAN ANDRÉS, PROVIDENCIA and SANTA CATALINA

To develop the type of fishing ……: WHITE and LOBSTER

With the following observations and/or operational restrictions:

It is forbidden: To capture lobster eggs, with a tail shorter than 14 cm, the use of compressors, diving tanks and the use of nets, fishing expeditions outside the Archipelago of San Andrés, Providencia and Santa Catalina are not allowed. The present authorization is granted until the expiry date of the Safety and Seaworthiness Certificates issued by the General Maritime Directorship - DIMAR.

The present Authorization is conditioned to:

- Comply with the provisions of article 61 Law 13/1990, on the percentage of Colombian crewmembers on board.
- Unload the full content of the captured goods in a Colombian port.
- Immediately notify the Port Captaincy about the disaffiliation of the ship.
- Pay the Nation-Dimar for (the use of) lighthouses and buoys US$ 1.80 cents per TRN every time the ship enters a Colombian port.
- Request from the Captaincy an authorization to set sail every time the ship leaves a Colombian port.
- Accept the inspection performed by the Legitimate Authority (National Navy) without any restriction to all the equipments and compartments of the ship every time it's needed.
- To have on board the national Colombian cartography and the rest of the pertinent rules.

DATE OF ISSUE: 24/04/2002 VALID THROUGH: 10/04/2003

(Signed)
Rear-Admiral Carlos Humberto Pineda Gallo
GENERAL MARITIME DIRECTOR

1150010000006-SINFAD 000691
IT IS FORBIDDEN TO LAMINATE THIS DOCUMENT

Annex 170

RESOLUTION N° 128 OF CORALINA, THE ENVIRONMENTAL AUTHORITY IN THE ARCHIPELAGO OF SAN ANDRÉS, 27 FEBRUARY 2006

(Archives of the Colombian Navy)

CORALINA
Corporation for the Sustainable Development of the Archipelago of San Andrés, Providencia and Santa Catalina

Resolution No. 128
(27 Feb. 2006)

Whereby a request is resolved

The undersigned Director-General, in charge of the Corporation for the Sustainable Development of the Archipelago of San Andrés, Providencia and Santa Catalina - Coralina, in his legal capacities conferred by agreement No. 001 of 24 February 2006 and his respective act of taking office, Law 99 of 1993 and other concordant rules, and

Considering

That by note No. 2743 of 30 November 2005, Mr. Lieutenant-Commander Abel Francisco Villadiego Caballero, in his capacity as Port Captain of San Andrés, Island, submitted a request of Environmental Feasibility for the construction of lighthouse keeper's quarters on the Cays of Roncador and Serrana, of the Archipelago of San Andrés.

That having submitted the request to the Subdivision of Environmental Management, it issued the Technical Opinion No. 010 of 20 January 2006, wherein it is assessed that it is viable to grant the Environmental Feasibility, under certain conditions, as it will be detailed in the operative part of the present instrument.

That out of the aforesaid Technical Opinion, the following excerpts are transcribed:

"(…)

Evaluation of the project

By Resolution No. 107 of 27 January 2005, the Ministry of the Environment, Housing

and Territorial Development declared as Protected Marine Areas (AMPs) of the Seaflower Biosphere Reserve, the area of the Archipelago of San Andrés, Providencia and Santa Catalina, due to its particular ecological, economic, social and cultural importance. By Agreement 021 of 2005 the Corporation set the internal limits of the AMPs, and by Agreement 025 of 2004, the Protected Marine Area was zoned and the General Regulation of uses and other provisions are issued. A map with the internal delimitation of the Protected Marine Areas of the Seaflower Biosphere Reserve, according to Agreement 021 of 9 June 2005.

The zoning agreements of the Protected Marine Areas have been signed, with their respective delimitations, uses, regulations, the main purpose of which is the adequate management of the Marine Areas, aiming at minimizing the impact of human activities and harmonizing these with the principles of conservation.
(…)

The demolition and reconstruction of the structures on the cays of Serrana and Roncador could entail impacts on the fauna associated with the area, particularly avian fauna and nesting and egg-breaking locations of marine turtles, both due to the presence of persons as well as because of the noise and transit generated by the works.

Although there is the presence of the marine infantry personnel on these cays, they do not relevantly influence the preservation of resources, since they currently only take part in turtle-watching outings by agreement with Coralina.

Analysis of general impact on resources:
Taking into account that the works are being projected for two cays of the Biosphere Reserve with a small emerging area, fragile ecosystems and environmental importance for endemic and migratory species, an analysis of the possible impact of this type of works on the insular environment is hereafter described.
(…)

Fauna
The Archipelago contains around 155 species of birds, between resident, migratory and occasional. Out of these marine birds, seven (7) families (*Procellaridae, Pelicanidae, Sulidae, Phalacrocoracidae, Fregatidae, Laridae and Stercordiae*) with 22 species, where 6 of them nest forming colonies, particularly in the northern cays of Serrana, Roncador and Serranilla (Garcia 2005).

The emission of noises during times of fauna activity in loud levels can alter the surroundings of the avian fauna, crustaceans, turtles and other species associated to the ecosystem of the cays.
(…)

Avian fauna and reptiles represent the species where the most impact could be caused, these banks (Serrana, Roncador and Serranilla) being the most important area for the

nesting and egg-breaking of marine birds and turtles of the Archipelago, declared as Area of Importance for the Preservation of Birds -AICAS, 2005 (García, 2005) and integrated to the Network of Preservation of Sea Turtles of the Greater Caribbean Region - WIDECAST, 2005.

Landscape

For several years, structures of this type have existed on the cays. Therefore, this project does not entail new landscape alterations, if the dimensions and amount of existing structures remains the same. And although the impacts due to noise, personnel presence and materials management is evident, the magnitude of the work also allows for mitigation measures to be implemented that could be effective, such as defining schedules for the labors, adequate debris management and adequate solid waste management.
(…)

In particular, in Roncador Cay there is a high beach dynamics, disadvantageous to marine birds and sea turtles. Physical phenomena have progressively deposited coral and rock remains that, while not reducing the length of the beach, becomes an obstacle for the female at the time of digging the nest and for newborns in emergency.

The slight incline of the only available beach on Roncador is due to the presence of a reef protecting the zone and enabling the arrival of crawling turtles; the ascent on other sides of the islet, other than those facing this beach is very difficult due to the presence of rocks and dead coral remains.

During the wintertime, internal lagoons are formed in Roncador Bank, coinciding with the migration of certain flocks of birds (see photograph records No. 1 and 3), these small wetlands serve as stop-over and nesting places, particularly for brown and red-footed booby (Sula Leucogaster and S. dactylatra). On the cay, the only beach suitable for the nesting of sea turtles is 90 m. long, to the north of the internal lagoons, therefore, any disturbance of these habitats could generate irreversible impacts on the populations of these species, that are included in Appendix I of CICTES (endangered species).
(…)

Opinion

Taking into account that the project is planned within the Seaflower Biosphere Reserve, in a land area of environmental and strategic importance for the species, both endemic and migratory, associated to the marine and coastal ecosystems, particularly during the periods for reproduction and feeding, the works demand the implementation of measures and sustainable practices that harmonize the conservation and preservation activities for the species of fauna and flora. Due to the above, the Sub-division of Environmental Management considers it is environmentally feasible to carry out the project, as long as a it strictly complies with the following obligations and recommendations.
(…)

That in accordance with paragraph 2 of article 31 of Law 99 of 1993, following the

favorable declaration of environmental feasibility by the corresponding Autonomous Regional Corporation, the DIMAR has the duty to grant authorizations, concessions and permits for the temporary occupation of beaches and low-tide terrains.

That the Ministry of the Environment, Housing and Territorial Development, through Resolution 107 of 27 January 2005 declared an marine zone within the Archipelago Department of San Andrés, Providencia and Santa Catalina, as a Protected Marine Area -AMP- of the Seaflower Biosphere Reserve, due to its particular ecological, economic, social and cultural importance.

That in view of the above, Coralina

Decides

Article One: To grant the environmental feasibility to DIMAR, requested by Mr. Lieutenant-Commander Abel Francisco Villadiego Caballero, in his capacity as Port Captain of the island of San Andrés, for the construction of lighthouse keeper's quarters on the cays of Roncador and Serrana, in accordance with what was stated in the section of motives of this instrument.

Paragraph: The beneficiary of this environmental feasibility shall comply with the following obligations:

To submit to the Corporation, prior to the start of the works, the dimensions of the existing works on each cay, compared to the dimensions and locations of those proposed, in order for the environmental authority to be clearer on the dimensions of the projected works vis-à-vis the existing ones, and make recommendations in that regard.

To define, in the case of Serrana, prior to stating the works, which of the recommendations of the consulting firm, in accordance with the two alternatives presented, will be adopted; whether it be 1) the modification, improvement of distribution and loads on the out-facing walls of the current structure, posing the possibility of reinforcing the foundation structure or reconstructing it, or 2) the complete reconstruction of the structure using the design to be implemented on Roncador Cay.
(…)

To indicate the source and method of transport of the granular material (sand) to be used in the masonry works, taking into account that in accordance with environmental regulations in force for the Archipelago, pursuant to Resolution 151/1998 issued by Coralina, the Archipelago's beaches were declared as areas of special management.

To indicate to the Corporation, what measures for using rainwater or other practices will be used to reduce the volume of underground water extracted from the underground water wells present on the cays, in the construction and operation of the works, to prevent processes of marine intrusion into the existing water lenses.

(…)

Article Four: Coralina may verify, at any time, the compliance with the obligations contained in the present administrative act, and Coralina may modify the conditions of the same when needs so demand it. The non-compliance with the provisions contained in the present act will give rise to the application of preventive measures and penalties, foreseen in Law 99 of 1993.
(…)

Article Seven: The present resolution may be recurred in appeal before Coralina's Director-General; it shall be done in person, and in writing, within five working days following its notification.

Be it notified, published and complied with.

Issued in San Andrés Island, on 27 Feb. 2006

(Signed)
Rixcie D. Newball Stephens
Director-General (Deputy)

Annex 171

STUDY ON QUITASUEÑO AND ALBURQUERQUE PREPARED BY THE COLOMBIAN NAVY, SEPTEMBER 2008

MINISTERIO DE DEFENSA NACIONAL
DIRECCIÓN GENERAL MARÍTIMA
CENTRO DE INVESTIGACIONES OCEANOGRÁFICAS E HIDROGRÁFICAS

TECHNICAL REPORT OF THE TACHEOMETRIC SURVEY AND VERIFICATION OF THE POSITIONS OF GEOGRAPHICAL FEATURES EMERGING IN THE AREA OF QUITASUEÑO AND ALBURQUERQUE IN THE ARCHIPELAGO OF SAN ANDRÉS, PROVIDENCIA AND SANTA CATALINA.

The expedition for the tacheometric survey and verification of the positions of geographical features emerging in the area of Quitasueño and Alburquerque in the archipelago of San Andrés, Providencia and Santa Catalina was carried out by the Colombian General Maritime Directorate and the Oceanographic and Hydrographic Research Center, from July 10th to 21st, 2008, with the support from the Colombian Navy and Air Force, according to the technical guidelines given by the Ministry of Foreign Affairs.

I. RESULTS OF THE TACHEOMETRIC SURVEY AND VERIFICATION OF THE POSITIONS OF GEOGRAPHICAL FEATURES EMERGING IN THE AREA OF QUITASUEÑO AND ALBURQUERQUE IN THE ARCHIPELAGO OF SAN ANDRÉS, PROVIDENCIA AND SANTA CATALINA.

1) **Quitasueño Area:** Twenty four (24) geographical features were verified, and are described as follows:

a. **Quitasueño Q1:** Coral reef with its maximum height located in latitude 14° 28' 56.4" North and longitude 81° 07' 19.8" West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using aerial and surface video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

b. **Quitasueño Q2:** Coral reef with its maximum height located in latitude 14° 26' 24.7" North and longitude 81° 06' 59.7" West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using surface video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

c. **Quitasueño Q3:** Coral reef with its maximum height located in latitude 14° 25' 58.4" North and longitude 81° 06' 45.8" West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using surface video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

d. **Quitasueño Q4:** Coral reef with its maximum height located in latitude 14° 25' 40.0" North and longitude 81° 08' 56.0" West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using aerial video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

e. **Quitasueño Q5:** Coral reef with its maximum height located in latitude 14° 25' 07.0" North and longitude 81° 08' 37.9" West. This maximum height is a coral feature that emerges 0.350 meters referred to Mean Sea Level - MSL, 0.639 meters referred to Lowest Astronomical Tide - LAT, and 0.077 meters referred to Highest Astronomical Tide - HAT.

f. **Quitasueño Q6:** Coral reef with its maximum height located in latitude 14° 25' 03.0" North and longitude 81° 09' 09.0"West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using aerial video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

g. **Quitasueño Q7:** Coral reef with its maximum height located in latitude 14° 24' 38.5" North and longitude 81° 08' 41.9" West. This maximum height is a coral feature that emerges 0.500 meters referred to Mean Sea Level - MSL, 0.789 meters referred to Lowest Astronomical Tide - LAT, and 0.227 meters referred to Highest Astronomical Tide - HAT.

h. **Quitasueño Q8:** Coral reef with its maximum height located in latitude 14° 24' 23.8" North and longitude 81° 08' 43.8" West. This maximum height is a coral feature that emerges 0.337 meters referred to Mean Sea Level - MSL, 0.626 meters referred to Lowest Astronomical Tide - LAT, and 0.064 meters referred to Highest Astronomical Tide - HAT.

i. **Quitasueño Q9:** Coral reef with its maximum height located in latitude 14° 23' 57.4" North and longitude 81° 08' 24.8" West. This maximum height is a coral feature that emerges 0.437 meters referred to Mean Sea Level - MSL, 0.726 meters referred to Lowest Astronomical Tide - LAT, and 0.164 meters referred to Highest Astronomical Tide - HAT.

j. **Quitasueño Q10:** Coral reef with its maximum height located in latitude 14° 23' 41.0" North and longitude 81° 08' 19.1" West. This maximum height is a coral feature that emerges 0.174 meters referred to Mean Sea Level - MSL, 0.463 meters referred to Lowest Astronomical Tide - LAT, and is submerged -0.099 meters referred to Highest Astronomical Tide - HAT.

k. **Quitasueño Q11:** Coral reef with its maximum height located in latitude 14° 23' 27.1" North and longitude 81° 08' 21.3" West. This maximum height is a coral feature that emerges 0.405 meters referred to Mean Sea Level - MSL, 0.694 meters referred to Lowest Astronomical Tide - LAT, and 0.132 meters referred to Highest Astronomical Tide - HAT.

l. **Quitasueño Q12:** Coral reef with its maximum height located in latitude 14° 23' 24.1" North and longitude 81° 08' 06.7" West. This maximum height is a coral feature that emerges 0.405 meters referred to Mean Sea Level - MSL, 0.694 meters referred to Lowest Astronomical Tide - LAT, and 0.132 meters referred to Highest Astronomical Tide - HAT.

m. **Quitasueño Q13**: Coral reef with its maximum height located in latitude 14° 23' 23.0" North and longitude 81° 08' 06.0" West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using aerial video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

n. **Quitasueño Q14**: Coral reef with its maximum height located in latitude 14° 22' 35.0"North and longitude 81° 08' 23.0" West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using aerial video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

o. **Quitasueño Q15**: Coral reef with its maximum height located in latitude 14° 22' 07.2" North and longitude 81° 08' 31.6" West. This maximum height is a coral feature that emerges 1.525 meters referred to Mean Sea Level - MSL, 1.814 meters referred to Lowest Astronomical Tide - LAT, and 1.252 meters referred to Highest Astronomical Tide - HAT.

p. **Quitasueño Q16**: Coral reef with its maximum height located in latitude 14° 21' 49.2" North and longitude 81° 08' 37.5" West. This maximum height is a coral feature that emerges 0.532 meters referred to Mean Sea Level - MSL, 0.821 meters referred to Lowest Astronomical Tide - LAT, and 0.259 meters referred to Highest Astronomical Tide - HAT.

q. **Quitasueño Q17**: Coral reef with its maximum height located in latitude 14° 19' 00.0"North and longitude 81° 10' 58.0" West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using aerial video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

r. **Quitasueño Q18**: Coral reef with its maximum height located in latitude 14° 18' 46.0" North and longitude 81° 12' 41.0" West. This maximum height is a coral feature that is submerged -0.035 meters referred to Mean Sea Level - MSL, emerges 0.254 meters referred to Lowest Astronomical Tide - LAT, and is submerged -0.308 meters referred to Highest Astronomical Tide - HAT.

s. **Quitasueño Q19**: Coral reef with its maximum height located in latitude 14° 18' 04.5" North and longitude 81° 11' 10.4" West. This maximum height is a coral feature that emerges 0.242 meters referred to Mean Sea Level - MSL, 0.531 meters referred to Lowest Astronomical Tide - LAT, and is submerged -0.031 meters referred to Highest Astronomical Tide - HAT.

t. **Quitasueño Q20**: Coral reef with its maximum height located in latitude 14° 15' 25.1" North and longitude 81° 10' 00.0" West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using surface video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

u. **Quitasueño Q21**: Coral reef with its maximum height located in latitude 14° 11' 46.0" North and longitude 81° 10' 32.0" West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using aerial video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

v. **Quitasueño Q22**: Coral reef with its maximum height located in latitude 14° 11' 34.0" North and longitude 81° 10' 37.0" West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using aerial video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

w. **Quitasueño Q23**: Coral reef with its maximum height located in latitude 14° 11' 01.4" North and longitude 81° 10' 05.2" West. This maximum height is a coral feature that emerges 0.080 meters referred to Mean Sea Level - MSL, 0.369 meters referred to Lowest Astronomical Tide - LAT, and is submerged -0.193 meters referred to Highest Astronomical Tide - HAT.

x. **Quitasueño Q24**: Coral reef with its maximum height located in latitude 14° 07' 58.0" North and longitude 81° 09' 59.0" West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using aerial video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

See Graphic Annex: Informe Quitasueño (Quitasueño Report in DVD), (01) Quitasueño Map and (01) Photograph.

2) Alburquerque Area: Five (05) geographical features were verified, and are described as follows:

a. Alburquerque A1: Island named "North Cay" located in latitude 12° 09' 52.0" North and longitude 81° 50' 24.0" West, which emerges 1.837 meters referred to Mean Sea Level - MSL, 2.126 meters referred to Lowest Astronomical Tide - LAT, and 1.564 meters referred to Highest Astronomical Tide - HAT.

b. Alburquerque A2: Island named "South Cay" located in latitude 12° 09' 38.0" North and longitude 81° 50' 21.0" West, which emerges 1.755 meters referred to Mean Sea Level - MSL, 2.044 meters referred to Lowest Astronomical Tide - LAT, and 1.482 meters referred to Highest Astronomical Tide - HAT.

c. Alburquerque A3: Coral reef with its maximum height located in latitude 12° 09' 38.3" North and longitude 81° 51' 58.0" West. This maximum height is a coral feature that emerges 0.153 meters referred to Mean Sea Level - MSL, 0.442 meters referred to Lowest Astronomical Tide - LAT, and is submerged -0.120 meters referred to Highest Astronomical Tide - HAT.

d. Alburquerque A4: Coral reef with its maximum height located in latitude 12° 10' 36.6" North and longitude 81° 51' 50.2" West. This maximum height is a coral feature that emerges 0.052 meters referred to Mean Sea Level - MSL, 0.341 meters referred to Lowest Astronomical Tide - LAT, and is submerged -0.221 meters referred to Highest Astronomical Tide - HAT.

e. Alburquerque A5: Coral reef with its maximum height located in latitude 12° 09' 33.0" North and longitude 81° 49' 48.0" West. This is a coral feature which emerges but the heights are not available. The coral feature was recorded using aerial video and photographs. Approach was not possible, because of wave's conditions on the point, at time of visit.

See Graphic Annex: Informe Alburquerque (Alburquerque Report in DVD) and (01) Alburquerque Map.

Technical Notes:

1. The geographical positions of the islands, cays and others geographical features that emerge in the area are registered in the official nautical cartography.
2. All coordinate values are expressed using WGS-84 datum values.

Capitán de Corbeta **HERMANN AICARDO LEÓN RINCÓN**
Responsable Área de Investigación Científica Marina
Jefe de Campo del Levantamiento

ORIGINAL FIRMADO
Capitán de Navío **JUAN MANUEL SOLTAU OSPINA**
Director Centro de Investigaciones Oceanográficas e Hidrográficas

ANNEX "1". Analysis of the astronomical tide and weather conditions present in San Andrés and Providencia during the survey.
MAPS
01 QUITASUEÑO MAP, 01 QUITASUEÑO PHOTOGRAPHY AND 01 ALBURQUERQUE MAP.
INFORMES GRÁFICOS – GRAPHICAL REPORTS:
QUITASUEÑO GRAPHIC REPORT IN 02 DVD AND ALBURQUERQUE GRAPHIC REPORT IN 02 DVD.

ANNEX "1". ANALYSIS OF THE ASTRONOMICAL TIDE AND WEATHER CONDITIONS PRESENT IN THE ARCHIPELAGO OF SAN ANDRÉS, PROVIDENCIA AND SANTA CATALINA DURING THE SURVEY

I. ASTRONOMICAL TIDE EVALUATION IN THE ARCHIPELAGO OF SAN ANDRÉS

For generating 1 - year hourly astronomical tide series near the San Andrés Archipelago, the Grenoble Tide Model FES 95.2 was used, adding the ocean tide correction of Andersen´s (1995) [1] adjusted model, which uses 13 tidal harmonics to generate worldwide data.

From the Tidal Analysis Toolbox [2], the 1 - year time series was used to evaluate the harmonics values and generate a 19 - year time series of astronomical tide with hourly data.

For the 19 - year time series the following values were calculated, according to its probability curve (figure 1), all of them referenced to the mean sea level:

- Highest Astronomical Tide (HAT) = 272.99 millimeters referred to MSL.
- Lowest Astronomical Tide (LAT) = -288.91 millimeters referred to MSL.

The range between HAT and LAT is 561.90 millimeters.

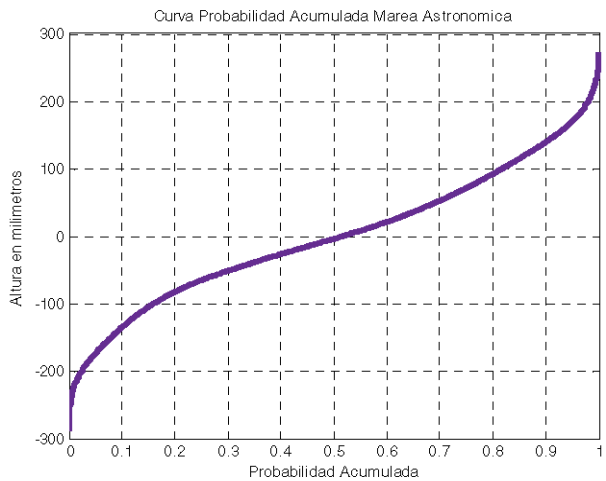

Figure 1. Cumulative probability curve for the 19 years of astronomical tide at San Andrés Archipelago

Using the same harmonics found, an hourly tide prediction for the San Andrés Archipelago was calculated for June and July 2008, during which the field campaign was carried out. This astronomical tide level was consistently referred to mean sea level - MSL.

During the field campaign, all the geographical features above sea level were measured from the sea level at the time of in situ visit to the maximum height, the "in-situ height observation" column in the calculations table.

Depending on the time of each observation, and a 5 - hour correction to Universal Time Coordinated, the level of the astronomical tide for the relevant time was located on the tide prediction table. This was the

"height of the astronomical tide" at the moment of the "in-situ height observation", referred to mean sea level.

Adding these last two values, the "height of the feature referred to mean sea level" was found.

Subtracting the values of LAT or HAT to this last height, the height of the feature referred to these water level datum was found.

Example: QUITASUEÑO position Q15.

In-situ height observation: 1.500 m referred to sea level during observation.

Height of astronomical tide at time of the observation: 0.025 m referred to MSL.

Height of the feature referred to mean sea level:
1.500+ (0.025) = 1.525 m referred to MSL.

Height of the feature referred to LAT:
1.525 - (-0.289) = 1.814 m referred to LAT.

Height of the feature referred to HAT:
1.525 - (+0.273) = 1.252 m referred to HAT.

[I. ATMOSPHERIC CONDITIONS PRESENT ON THE ARCHIPELAGO OF SAN ANDRÉS AND PROVIDENCIA.

The atmospheric conditions allow us to determine that the surveyed geographical features emerge despite the increase in waves due to the force of the winds during this time of year, thus indicating that it would be possible to find new geographical features in more favorable weather periods of the year.

WINDS: Wind direction in the Archipelago of San Andrés was predominantly northeast (30%) (Figure 2, left). The maximum wind speeds in that direction oscillated between 10 and 15 knots.

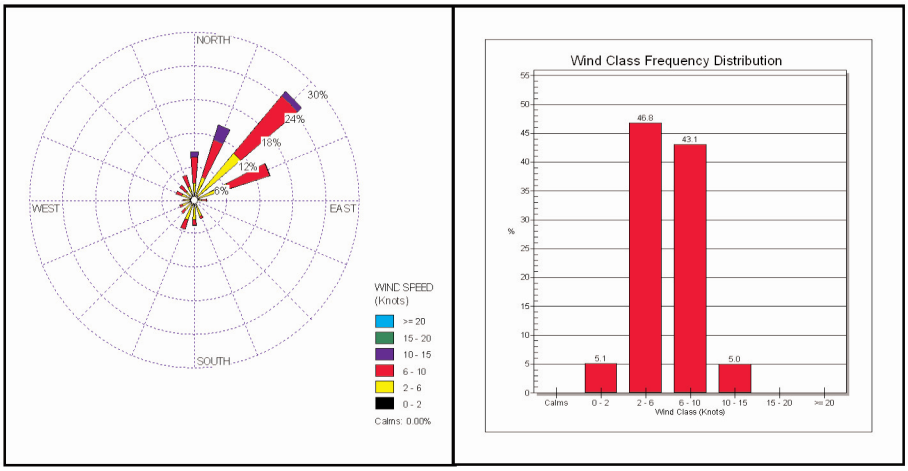

Figure 2. Wind class frequency distribution and wind speed distribution

BAROMETRIC PRESSURE: As shown in figure 3, a significant drop in this parameter was observed as of 16 July, until 19 July. The highest values were observed on 15 and 25 July with 1014.1 mb and 1013.9 mb, respectively.

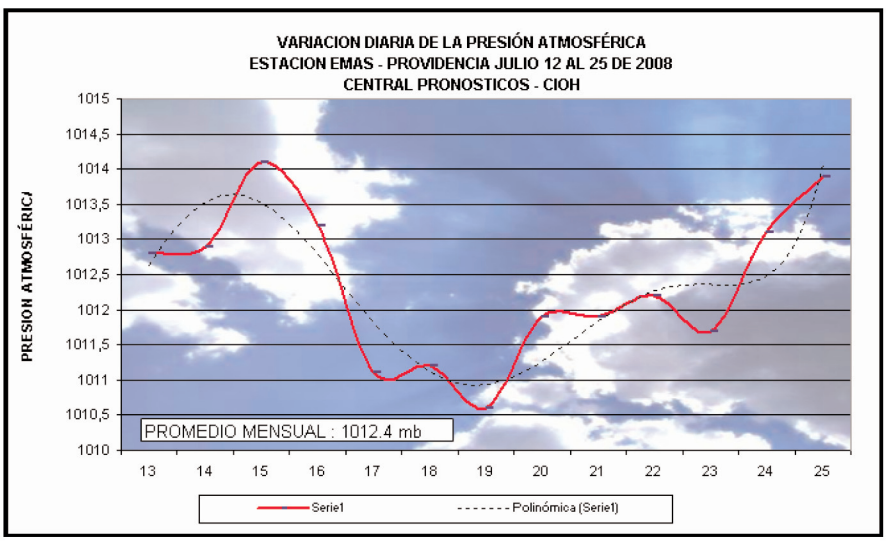

Figure 3. Daily barometric pressure variations in Providencia between 13 and 15 July/08

OTHER DOCUMENTS

Annex 172

1820 SAILING DIRECTIONS OF THE SPANISH NAVY

(Armada de España, *Derrotero de las islas antillanas, de las costas de tierra firme, y de las del seno mexicano, formado en la Dirección de Trabajos Hidrográficos para inteligencia y uso de las cartas que ha publicado. 2nd ed. Corregida y aumentada con noticias muy recientes y con un apéndice sobre las corrientes del Océano Atlántico,* Madrid, Imprenta Nacional, 1820, pp. 393-397)

(…)

Having described the coasts, the cays and reefs… to the east, at a distance of 20 leagues, we will now say something about the islands and shoal bordering vis-à-vis that coast that are beyond sounding depth.

The cays of Alburquerque or of SSW. are the southernmost and westernmost of all: there are three of them with a good sandbank where one can cast anchor, and they are clean, and there is no need to be at guard from anything other tan what is in plain sight, since although there are certain rocks around them, they are very close to them.

To the N. 18° E. of these cays, and at a distance of seven leagues is the island of San Andrés, the location of which is well known and safe enough for navigation. All the shores of this island are generally rocky, the most protruding tips to the W. are clean of soboruco, and all the W. coast is so steep that half-a-mile off it, it is almost impossible to reach bottom. The E. coast is cut off by a reef that makes it inaccessible, and that in some places protrudes for over a mile. The length of this island is seven leagues from N. to S., and two from E. to W. at its widest. On the W. part, at the anchoring place, there are two mountains protruding from the rest of the island, that is rugged in general, but it does not form streams or cliffs, its slopes being very moderate; these mountains can be seen on clear days from 10 to 12 leagues off. On the whole island there is no river or creek, nor any spring is known; which is why its inhabitants use shallow wells that provide thick and salty water. To reach this island there is no need of someone with practical skills, since staying away from the E. coast, that in no case should be passed along at a distance under three or four miles, one can head carefree to any point on the W. coast. But if one is inclined to drop anchor, the prow should be directed to the southernmost part of the island, without fear of coming up to half-a-cable's length if desired. And after seeing the so-called West inlet that is formed by the westernmost tip of the island, one heads towards it and drops anchor at 10 or less fathoms of water over sand: the ten fathoms are reached at one and a half cable's lengths from land. This anchorage place

is very sheltered from the breezes, but in the season of Northern [winds] one must be very alert to set sail at the slightest indication of a storm.

Cays of the ESE [East-Southeast]. At about E.¼ SE. from this island there are three cays called ESE., that are about six leagues off its southernmost part. These cays are surrounded by reefs and shallow sandbanks; and although there is an anchoring place on it for small vessels, it is necessary to have practical skills to approach it. These cays have loose rocks to the N. and NNE., out to seven miles from them, as can be deduced by the following occurrence told by the first pilot Don Miguel Patiño, Commander of the gunboat Concepción, that went to explore the Mosquito coast in 1804. 'Sailing around 12°35' latitude and 4°55' longitude W. of Cartagena de Indias, at half past eight in the morning, on a clear day and clear water, the helm of the gunboat of the gunboat with a draft of six feet and three inches Burgos [measure] jumped about a foot, without any crash or scraping being felt in any other part of the hull. The speed was six miles, but neither the sailor that was on the topmast, nor those of us who were on deck saw any spot, breaker or other sign underneath. No reconnaissance could be carried out since it was not possible to cross with the small canoe that was the only small vessel we carried. At nine, the ESE. Cays were sighted to the S. from the topmast, and at 10 the island of San Andrés was sighted amidst fog.

Islands of Santa Catalina and Providencia. The islands of Santa Catalina and Providencia, which are separated by a small channel, can be considered as a single island. They are located at N. 20° E. of San Andrés, some 18 leagues [off]…

Important notice. Of all the other shoals and islands drawn on the chart, we are only able to provide detailed data on Bajo Nuevo, given that, although those of Serranilla, Serrana and Roncador were recognized and located, we have no additional data other than their situation; and although their positions have been rectified on the chart, we include the data on them for further information for sailors.

Roncador
Its northernmost part is located at latitude 13°35'7" and longitude 4°36'3" west of Cartagena de Indias. It is five miles wide in the following direction N. 28' W. and S. 28° W. There is an islet on its northern part and a cay to the south of the islet.

Serrana
Its northernmost part is at latitude 14°18'46" and its southernmost part at 14°18'72". Its eastern part is at longitude 4°35'3" west of Cartagena de Indias and the western part is at 4°54'54".

Serranilla
Its eastern part is at latitude 15°45'20" and longitude 4°21'20" west of Cartagena de Indias. This shoal or its breakers extend 15 miles long from E to W.

Bajo Nuevo. Bajo Nuevo is a shoal that may be some 7 miles long from N to S and 14

from E to W. On the Eastern part it is completely surrounded by a very steep reef and, on the contrary, on the western part the bottom recedes smoothly. At one and-a-half miles from its northernmost end there is a sand cay, located at latitude 15°52'20" and longitude 3°10'58" west of Cartagena de Indias to the WNW, at some 3 to 4 miles of which it is possible to drop anchor. Nevertheless, care must be taken to avoid entering this shoal at under 10 fathoms deep, because to the WNW of the cay, at a distance of 2 and-a-half miles a rock under only 7 feet of water has been located. And to the S¼ SE from it, at a distance of one mile, another was located under only four feet of water. Both rocks are over five fathoms of water. They are very steep and no larger than a ship.
(…)

Annex 173

NOTE FROM THE COMMODORE AT THE BRITISH COLONIAL OFFICE TO THE GOVERNOR OF JAMAICA, 29 DECEMBER 1874. INCLUDES, AS ENCLOSURE, REPORT SUBMITTED BY CAPTAIN ERSKINE TO THE COMMODORE, 26 DECEMBER 1874.

(British Public Record Office, Reference N° CO 137/479)

Documents on pages to follow

a Commodore to the Governor - 221/76 28

Admiralty at Jamaica

29th December 1874

No. 34.

Sir,

Referring to a letter No 6119/71 of 24th August 1872, addressed to me by Mr Rushworth, at that time administering the Government of Jamaica in which letter information was requested as to the Sovereignty of the Cays on the Serrana and Serranilla Banks, I have now the honour of transmitting to Your Excellency.

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Excellency a copy of a report I have received on the subject from Captain James S Erskine, of Her Majesty's Ship "Eclipse" who by my directions visited those places this month.

2. By Captain Erskine's report, your Excellency will perceive that the Serrana and Serranilla Cays are comprised in what termed the territory of "St Andres and San Luis de Providencia", consisting of St Andrews, Old Providence, and the neighbouring Cays of Albuquerque, Courtown bank Roncador

Providencia, Serrana and Serranilla,
and Cayo
and that these Islands are
claimed by and yield allegiance
to the United States of Colombia.

5. I am at a loss to
give Your Excellency any infor-
-mation as to the validity of
the Colombian Government's
claim to these Islands beyond
the following facts, viz: That
it appears these Islands be-
-longed to Spain, when that
nation held the "Spanish Main"
and that the formed part
of the Captain Generalship of
Guatemala - By a royal order
of

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of the 30th November, 1803, these Islands were transferred from the Captain Generalship of Guatemala to the Vice Royalty of Santa Fé, and by the same decree the salary of the then Governor, Don Tomas O'Neil was increased at his application from $1,500 to $2,000."

4. It would appear that under the above named royal decree of Spain the States of Columbia assumed rights of Sovereignty. These rights may appear somewhat Question-able, especially as the Island of

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of St Andrews capitulated to the British Naval Forces under Captain John Bligh of H.M.S. "Surveillante" 26 March 1806 and was taken possession of by that Officer in the name of His Britannic Majesty.

I have &c

(signed) A. F. B. de Horsey

Commodore

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Nº 11
75 31

Particulars relating to the Islands and Cays of the Mosquito Coast (being an enclosure in a letter from Captain Crispin to Commodore de Horsey dated 26th December 1674.)

"Great and Little Corn Island"

Belong to Mosquito and have about 300 inhabitants, who all live on the larger Island, and talk English being principally descendants of liberated African Slaves from Jamaica and elsewhere. No person resides on

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on Little Corn Island, but Cattle
are reared on it. Trade consists
almost entirely of the export
of Cocoanuts to the United States;
the inhabitants also go after the
turtle in the season. I was
particularly struck with the
sickly appearance of the natives;
it certainly was the end of
the rainy season, and there
are numerous stagnant swamps
on the Islands, but as the
bulk of the people reside on the
north end with a constant sea
breeze blowing over them; I am
inclined to suspect that they
are

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Reference:-

are degenerating from the want of fresh blood which is the case in most of these Islands.

"The Island of St Andrews"

Belongs to Columbia, and is the seat of Government of what then style "The Territory of San Andres and San Luis de Providencia" comprising St Andrews Old Providence, and the neighbouring Cays of Albuquerque, and Courtown Bank Roncador, Serrana and Serranilla. An Official called the Prefect resides here, having under him other Officers

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Officers called Corregidors. St Andrews being divided into halves, viz San Andres and San Luis, over each of which a Corregidor presides, and another Cor=regidor at Providence Serrana and Serranilla being uninhabit=ed.

Amongst them they contain a population of about 3000 all English speaking, and the descendants of the old Buccaneer, and of the liberated African Slaves.

It is a curious anomaly to find here a Chief Authority unable

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unable to speak the language of the people he governs.

The people on the whole appear to be tolerably happy and contented - like the Bay Islanders they would naturally prefer to be under the laws and protection of Great Britain, and have always complaints to make against the existing rule, but with the exception of the usual quarrels common to all small and confined communities, I should say, if not interfered with, they will live

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give little trouble, and are able to manage their own affairs.

Their trade consists entirely of Cocoanuts which grow in the greatest profusion and for which they get $3.5 per 1.000, which goes to the United States.

"The Island of Six Provinces"

Is of Volcanic formation Fertile and healthy, abounding in Cattle, Cocoanuts and Oranges - Cotton also grows well here, and was exported in Considerable Quantities

During

during the American War
The Corregidor, a Native, whose
term of Office is one year -
presides.

The Pilots, being un-
-accustomed to handling
large vessels, are not to be
depended on, and then are
quite ignorant of the depths
of Water in the Channels, but
the reefs show so plainly, that
there would be no difficulty
in taking a Vessel drawing
18 feet of Water into Caitalina
Harbour, by the eye, and
with our present Chart

Serrano

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CO 137/479
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"Serrana Bank"

South West Cay about 4 Cables long and 2 broad and about 30 feet high, is reported to be Sea birds, for the purpose of laying their eggs. There is at present residing on the Cay an American agent for the Philadelphian firm of Navarro, Phillips and Co who with a coloured boy, remains for the purpose of collecting guano, which is shipped to the United States.

This man has been there 2 years and 1 month, and estimates

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estimates the amount of guano shipped during that time to be 1,500 tons, - it appears to be of inferior quality in comparison with what I have seen at the Chincha Islands, but I understand they find a ready sale for any quantity they obtain - and such as it is there appears to be a large supply. When I sighted the Bay, an American Ensign was hoisted, but on my firing a gun to enforce a signal "Wish to communicate," it was promptly hauled down.

The

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The American informed me that he could produce no title to the possession of the Island, but referred me to his employer, who, he understood claimed the right of taking plans but on what plea he could not tell me. He informed me also that the plan marked on our plan as good anchorage, and where I had intended anchoring, is a most dangerous place, full of Coral heads, over which even a small boat could not pass. I therefore anchored

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Of the Cay in 7 fms, on a clear Sandy bottom, well sheltered from the prevailing wind.

"Serranilla Bank"

Is uninhabited, and the birds do not appear to deposit their guano there - on the Beacon Cay observed the remains of 3 huts, probably used by the turtlers in the season, but no sign of life

Signed James S. Erskine
Captain.

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Annex 174

NOTE N° 20 FROM THE GOVERNOR OF JAMAICA TO THE BRITISH COLONIAL OFFICE, 9 FEBRUARY 1875

(British Public Record Office, Reference N° CO 137/479)

Documents on pages to follow

25

DESPATCH.

Jamaica

No. 2211

RECEIVED C.O. MAR 1875

Governor. No. 20

Date. 1875

Fd. 9

Previous Paper.

(Subject.)

The Serrana & Serranilla Cays.

Copies herewith of reports on – by Commodore de Horsey and Capt. Erskine R.N.

(Minutes.)

Sir J. Pauncefote

Transmit copy to Admiralty & F.O. for infn. L.F.

No question arises on the subject at present. J.H. 3/3

A 4/3.

So proceed J.P. 4/3

atmos Repth Marks

Copy FO Admy. Infn. 8 March 75

Reference:- CO 137/479

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26

2211/75

RECEIVED C.O. 1 MAR 1875

2 of all

King's House

9th February 1875

Jamaica

No 20

My Lord,

I have the honor to forward for the information of Her Majesty's Government the accompanying reports by Commodore de Horsey, and Captain Erskine of H.M.'s Ship Eclipse regarding the Cays on the Serrana and Seranilla banks. If

27th December 1874.

The Right Honorable it

The Earl of Carnarvon

&c. &c. &c.

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it is correct statement that
these Cays form part of
of "what is termed that
"territory of St. Andres and
"San Luis de Providencia,
"consisting of St. Andrews
Old. Providence &c." that
would seem, having regard
to the existing state of
things, to negative any
claim on the part of Jamaica
to the Cays in question.

2. The correspondence
of 1852 referred to by
Commodore de Horsey
originated in an application

to

PUBLIC RECORD OFFICE
CO 137/479
Referenced
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to Sir John Grant by a Kingston mercantile firm to be allowed to touch at the Cays of Serrana and Serranilla. The Commodore was asked for information in regard to the sovereignty over the Cays and he having them replied that he had no information on the subject and nothing further being heard from the firm in question, the matter was allowed to drop.

I have the honor to be,
My Lord,
Your Lordship's obedient
humble servant

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Annex 175

NOTE N° 340, AND ENCLOSURES, FROM THE UNITED STATES MINISTER IN BOGOTÁ TO THE DEPARTMENT OF STATE, 4 MAY 1892

(Department of State Archives, Microfilms, T33, Rolls 42-50, Despatches from US Ministers to Colombia. National Archives, College Park, MD)

Documents on pages to follow

DIPLOMATIC BUREAU.
JUN 2 1892

No. 340.

Legation of the United States,
Bogotá, May 4, 1892.

DEPARTMENT OF STATE,
JUN 1 1892
RECEIVED.

Ack'd
14th June 92 - M

John T. Abbott, Esquire,
To the Department of State,

Subject:
Claim of William M. Patterson.

No. 340.

Legation of the United States,
Bogotá, May 4, 1892.

To the Honorable
James G. Blaine,
Secretary of State,
Washington, D.C.

Sir:

I have received Mr. Wharton's No. 241 of March 5th last relative to the claim of William M. Patterson against the Colombian Government for the destruction, by Colombian citizens, of his bark "Nannie

2-3/40

T. Bell". On April 21st. last I presented the matter to this Government as directed; but, not clearly comprehending the grounds upon which the claim is based, I carefully limited my request to the tenor of my instructions.

To-day I am in receipt of a reply from the Foreign Office, informing me that a careful investigation of the circumstances will be made, but at the same time denying any responsibility upon the facts stated. I have not deemed any answer necessary until the results of the inquiry may be known; nor advisable until the views of the Department upon the case stated may be communicated to me.

The Island of New Providence

is

is under the jurisdiction of the Department of Bolivar, but it is far away and communication is so difficult, that the investigation will necessarily occupy several months.

The inhabitants of the Island are said to be English speaking and are not numerous. It is to be presumed that they have common interests distinct from those of the people of the mainland. If the local authorities are entrusted with the investigation a report in the interests of Barker might not

Bolivar to induce a competent Colombian of the main-land to undertake the trip to the Island.

I regard it as probable that the report of facts will be, in some way, unfavorable to Mr. Patterson's claim.

If the Department be of opinion that the facts, as by him stated, constitute a good ground for sustaining the claim as against this Government, I should deem it good policy to send Mr. Vice-Consul Robinson of Colón to the Island with instructions to make an investigation on his own account.

Awaiting any further instructions in regard to the matter, I herewith enclose copies of the correspondence.

1.

Your obedient servant,

John T. Abbott

Enclosures:

No. 1. Mr. Abbott to Dr. Suár

No. 2. Dr. Suárez to Mr. Abbott,

No. 3. Translation thereof.

Enclosure. No. 1.

Despatch. No. 340.

Legation of the United States,
Bogotá, April 21, 1892.

His Excellency
Señor Don Marco F. Suárez,
Acting Minister for Foreign Affairs
of the Republic of Colombia,

&c. &c. &c.

Sir:

I have the honor to call the attention of Your Excellency's Government to the complaint of William M. Patterson, a citizen of the United States, relative to the events attend-

ing

-ing the loss of the "Jannie P. Bell", a duly registered vessel of the United States, hailing from Boston.

According to the statement of Mr. Patterson the "Bell" was of 412 1/2 tons burthen, net tonnage. Mr. Patterson was sole owner and Master. The vessel sailed from Pascagoula, Mississippi, for Colón where she arrived on or about Nov. 23, 1888. She cleared from Colón Dec. 5, 1888 for Mobile, Alabama, and sailed in ballast, on or about Dec. 8th 1888 with a crew of nine men, including the Captain.

On Dec. 16, 1888 at about 4 o'clock in the morning the "Bell" ran upon Sarrana Reef about 80 miles northward of Old Providence island, where she

grounded

grounded and remained fast.

The Captain with his crew, after waiting for two days, in the hope of receiving assistance from some passing vessel, took the barques two boats and proceeded to Old Providence for the express purpose of procuring assistance to save his vessel. The barque was in a safe position and in good condition.

The sails were furled, the hatches fastened and everything was left safe and secure. Only such things were taken away as were deemed necessary for the trip. The Captain did not abandon his vessel and had no intention so to do.

His only object was to procure

competent salvors to get her off the reef, and by the payment of reasonable salvage out of the proceeds of a sale, or otherwise, to save for himself the value of his vessel, and her appurtenances, over and above such salvage. The vessel was uninsured.

On his arrival at Old Providence and before he had any opportunity to make any contract or arrangement for salvage one Thomas M. Barker, an alleged Colombian citizen, and the alleged owner of the schooner, "J. Alberta", which is said to be a Colombian ~~vessel, having learned of the facts of~~ the disaster but without any other knowledge or information of the subject matter, immediately fitted

out his said schooner and pro-
ceeded to the Reef for the purpose
of stripping, pillaging and
wrecking the "Bell".

The said Barker refused to
grant any assistance to Captain
Patterson or to make any contract
for salvage. He refused to allow
the Captain to accompany him
except upon payment of five
hundred dollars passage money in
advance, which sum the Captain
neither had nor could procure.

Barker, acting solely upon
the information communicated
to him by Captain Patterson and
his crew, and before the Captain
could procure any assistance,

proceeded to the "Bell" where he stripped and pillaged the vessel of everything movable or available for removal and plunder and wrecked the barque itself.

The Captain remained at old Providence ten days during which time he witnessed the landing and disposition of his property and effects stripped and taken from his vessel, by the said Barker and crew of the "Alberta," and he repeatedly demanded the restitution thereof to himself or compensation therefor,—all of which Barker refused.

The Captain then went to Colón and thence to New York.

Mr. Patterson alleges that the "Alberta" is what is known as a "wrecker" i.e., a vessel fitted out for

the plundering of ships in distress.

Mr. Patterson asserts that by reason of the unlawful acts of Barker, his vessel became unsea= worthy and worthless and was total= ly destroyed and that all the pro= perty carried away by Barker and his crew was totally lost to the owner. Mr. Patterson avers that the "Bell" was fairly worth the sum of $6000.00 and that the other property taken from the vessel was fairly worth $3000.00, and that he has never received any compensation therefor.

He claims that the Republic of Colombia is responsible to him for the sum of $9000.00, and accrued interest, and has asked

/l

the intervention of his Government.

The Department of State has instructed me to present the matter to Your Excellency's Government and to request that an investigation may be made with a view to such reparation as the facts may seem to require.

The Captain states that the following property was removed from the "Bill" by Barker viz:

Two suits of sails as follows: Two mainsails, two foresails, two upper main-top sails, two upper fore-top-sails, three lower main top sails, two lower fore-top sails, three top-gallant sails, three royals, three jibs, two fore top mast staysails, one main top mast staysail,

one top-gallant-staysail, one mizzen-sail, two spankers, three awnings, two flying jibs: in all valued at $1160.00.

Cabin and galley stoves and cooking utensils, crockery and tinware from cabin and galley in all valued at $70.00.

Ship stores, consisting of three barrels of flour, four barrels of beef, two barrels of pork, two barrels of bread, two barrels of molasses, one barrel of meal, five pounds of tea, twenty-two pounds of coffee, twenty eight pounds of ham, one barrel of Kerosene, half of a barrel of sugar and small stores: in all valued at $255.00

chandlery, two anchors, two chains, one 8 inch towing hawser, one 6 inch hawser, five parts of coils of manilla rope, new hemp rope, and hemp standing rigging, water tanks, and six water casks, two hundred pounds of white lead, one hundred pounds of black lead, twenty-six gallons of paint oil; in all valued at $890.00.

Cabin furniture and bedding one trunk and one chest filled with clothing, cabin stools and furniture, medicine chest and medicines, ship's tool chest and tools, sugar-screws, sail-twine, cotton canvas, two new sails partly made, vessel's rudder braces of yellow metal and yellow metal sheathing taken from the sides

of the vessel – in all valued at $525.00.

Requesting that Your Excellency will acknowledge the receipt of this communication and that an investigation may be made as soon as the peculiar conditions will reasonably admit, I take pleasure in renewing to Your Excellency the assurances of my most distinguished consideration.

John T. Abbott.

Enclosure. No. 2.
Despatch. No. 344.

República de Colombia
Ministerio de Relaciones Exteriores

Bogotá, 3 de Mayo de 1892.

Señor Ministro:

Tengo el honor de acusar á Vuestra Excelencia recibo de su nota de 21 de Abril próximo pasado, en la cual se expone á este Ministerio, en nombre del ~~Departamento de Relaciones Exteri-~~ ores de los Estados Unidos, cierta queja de William M. Patterson, ciudadano de dicho país, contra

Thomas M. Barker, ciudadano colombiano, según se afirma, por haber el segundo causado daños en un buque de propiedad del primero.

Tratándose de derechos de personas particulares menoscabados por otras personas particulares, el medio de obtener la debida reparación no puede ser otro que el de ocurrir á la justicia ordinaria. En el presente caso, no consta que Barker, al obrar como se asegura que obró, procediese en ejercicio de funciones del Gobierno de Colombia, ni por orden de éste, ni que su conducta fuese aprobada ó tolerada por las autoridades colombianas. Cualquier opinión de Patterson en el sentido

de hacer al Gobierno colombiano responsable de los actos particulares de los habitantes de este país será infundada mientras no conste que tales actos son jurídicamente imputables á la República.

No obstante, como el Gobierno de Vuestra Excelencia se ha limitado á solicitar una averiguación de los hechos, este Ministerio, atendiendo tan respetable aspiración, ha pedido al Gobernador del Departamento de Bolívar un detallado ~~informe sobre el~~ asunto.

Aprovecho esta ocasión para suscribirme de Vuestra Excelencia

muy obsecuente servidor.

Marco T. Suárez.

A Su Excelencia John T. Abbott,
Enviado Extraordinario y Ministro
Plenipotenciario de los E. E. U. U.

q.a q.a q.a

Enclosure No. 3.

Despatch. No. 340.

Translation.

Republic of Colombia,
Foreign Office,
Bogotá, May 3, 1892.

To His Excellency,
John T. Abbott,
Envoy Extraordinary and
Minister Plenipotentiary of the United States,
&c. &c. &c.

Mr. Minister:

I have the honor to
acknowledge the receipt of your note
of

April 21st last past, in which this Office is informed, in the name of the Department of State of the United States, of a certain complaint made by William M. Patterson, a citizen of said Country, against Thomas M. Barker, a Colombian citizen, as it is said, on account of damages done by the latter to a vessel belonging to the former.

If the rights of individuals injured by other individuals are considered, the means of obtaining due reparation can only be sought by resorting to the ordinary tribunals of justice.

In the present case it does not appear that Barker, in acting as it is said that he did act, proceeded in the exercise of functions of the

C

Government of Colombia, nor by order of the same, nor that his conduct was approved or tolerated by Colombian authorities.

Notwithstanding that Patterson may have the opinion that the Colombian Government is responsible for the individual acts of the inhabitants of this Country, such belief will be without foundation, until it may become evident that such acts are legally chargeable upon the Republic.

Notwithstanding, as Your Excellency's Government has limited itself to a request for an investigation of the facts, this Office, in response to a desire coming

from,

from so high a source, has asked the Governor of the Department of Bolivar, for a detailed report upon the matter.

I improve this occasion to subscribe myself Your Excellency's very obedient servant.

Marco F. Suárez.

Annex 176

NOTE N° 76 FROM THE DEPARTMENT OF STATE TO THE UNITED STATES MINISTER IN BOGOTÁ, 26 NOVEMBER 1894

(Department of State Archives, Microfilms, M77, Rolls 45-48, Diplomatic instructions of DOS to Legation at Bogota. At the National Archives, College Park, MD)

Documents on pages to follow

I am, Sir, &c. &c.
W. Q. Gresham.

No. 75.

Department of State
Washington, Nov. 23. 1894

Jacob Sleeper, Esquire
&c. &c. &c.
Bogota.

Sir:

I have to acknowledge the receipt of your No. 75 undated, transmitting a synopsis of the report of the Minister of Foreign Affairs of Colombia to the present Colombian Congress and commend the labor you have bestowed on its translation.

I am Sir, &c. &c.
Edwin F. Uhl
Acting Secretary

No. 76.

Department of State
Washington, Nov. 26. 1894

Jacob Sleeper, Esquire
&c. &c. &c.
Bogota.

Sir:

I transmit in translation a note from the Swedish and Norwegian Minister at this capital dated the 27th of October last, which with its enclosure will acquaint you with the

recommendation the Swedish Minister at Bogota has been instructed to make to the Colombian Government in regard to the erection of a light-house on Roncador Key, it being understood by the Swedish Government that the dangerous rock in question is a Colombian dependency.

In response to Mr. Grip's concluding inquiry, he was informed that this Government had not yet made any similar suggestion to that of Colombia, but that, in view of the recent loss of the Kearsarge on Roncador Key, the subject would be taken into consideration.

Having referred the matter to the Secretary of the Navy for his opinion, this Department is now advised that "the erection of a light-house on Roncador Reef would be of great assistance to navigators." The report of the Navy Department states that this reef, which is in the fairway of a large traffic, is especially dangerous on account of its isolation and the very strong and variable currents surrounding it; that it is almost entirely submerged, the small portion above water being so low that it is difficult to sight, even by day, and that the depths of water in its vicinity are too great to be determined by the ordinary means of sounding, so that timely warning of neighboring danger is not attainable by the use of the lead.

You will inform the Minister for Foreign Affairs that this Government cordially

commends the suggestion of the Swedish and Norwegian Government, and would be gratified to learn that the establishment of this greatly needed light had been determined upon.

I am, Sir, &c &c

W. Q. Gresham

Enclosure:

From the Swedish Norwegian Minister. Oct. 27. 1894

(Translation)

No. 77

Department of State

Washington. Dec. 5. 1894

Luther T. McKinney, Esq.

&c &c &c

Bogota.

Sir:

I have to acknowledge receipt of your No. 76. of October 30, last, by which you announce your return to the city and resumption of the charges of the Legation on that day.

I am, &c &c

W. Q. Gresham

No. 78.

Department of State

Washington Dec. 5. 1894

Luther T. McKinney, Esq.

&c &c &c

Bogota.

Sir:

Annex 177

NOTE N° 91 FROM THE UNITED STATES MINISTER IN BOGOTÁ TO THE DEPARTMENT OF STATE, 19 JANUARY 1895

(Department of State Archives, Microfilms, T33, Roll 52, Despatches from US Ministers to Colombia. National Archives, College Park, MD)

Documents on pages to follow



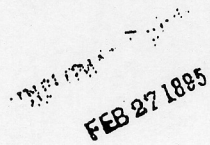
No 91.

Jack Feb 28
7

Legation of the United States

Bogota January 19th 1895.





Luther F. McKinney Esq,

~~to the Secretary of State.~~

Subject.

Light House on Roncador Reef.

No. 91.

Legation of the United States

Bogota January 19th 1895.

To the Honorable,

Walter Q. Gresham,

Secretary of State,

Washington D. C.

Sir:

I have the honor to enclose herewith a letter from the Department of Foreign Affairs of the Republic of Colombia, in answer to a request for the establishment of a light house on Roncador Reef, which I forwarded at the request of the Department.

As you will see by the letter, they claim to be waiting for information from the Departments of Bolivar and Panama, which is necessary, to come to a conclusion; allow me to suggest that the actual reason for delay in this matter, is the lack of means in the Treasury to carry on any work of this kind. I doubt very much the establishing of such a light at present, unless the Government can find private parties to establish the light, and that will depend upon whether there is sufficient shiping that passes that way to make such a light house profitable by charging ships, a reasonable rate for the protection afforded by such a light.

I wish to call your attention to another matter that may be of importance to the Department. It appears that the United States granted a license to certain traders to take Guano from Roncador and other islands in the vicinity, and that the United States have never retired the license.

The Minister of Foreign Affairs, calls especial attention to this matter in his last report to Congress, claiming that the Islands belong to Colombia, and that the United States exceeded its proper rights in granting such license. In the letter from the State Department.

Department, to this legation, asking the Republic ofColombia to establish a light house on Roncador Reef, the Department claims that the Island is a part of the Teritory of Colombia. You will observe in the letter which I enclose, the Foreign Office refers to the fact that the Island is an integral part of Colombian teritory. I am not familliar with the controversy regarding the license granted to merchants to remove guano from said Islands, but simply call your attention to the fact that in the letter to this Legation, in regard to a light house, it is admited that the Isalnd is in the teritory of Colombia.

I am Sir

Your Obedient Servant,

Luther F. McKinney.

Enclosure

No. I. Letter from Minister of Foreign Affairs.

Annex 178

NOTE N° 267 FROM THE DEPARTMENT OF STATE TO THE UNITED STATES MINISTER IN BOGOTÁ, 14 APRIL 1897

(Department of State Archives, Microfilms, T33, Roll 54, Despatches from US Ministers to Colombia. At the National Archives, College Park, MD)

Document on page to follow

Jacob Sleeper, Esquire

&c &c &c

Sir

I have to acknowledge, with gratification, the receipt of your confidential despatch No. 222, of February 23rd last, reporting the assurance made to you by the Colombian Minister for Foreign Affairs, that Colombia had no hostile intentions towards Nicaragua, and that all steps towards the settlement of their differences would be taken through the usual diplomatic channel.

Respectfully yours
John Sherman

No. 267

Department of State
Washington, April 14. 1897

Jacob Sleeper, Esquire

&c &c &c

Sir:

Your attention is called to the Department's No. 241, of March 5. 1892, to Mr. Abbott presenting the claim of William M. Patterson against the Government of Colombia for the unlawful and forcible spoliation and destruction by certain Colombian citizens, of his vessel, the bark "Nancy J. Bell" of Boston.

The Department would be glad to be informed as to the result of the request made upon the Government of Colombia for an investigation.

I inclose a copy of a recent letter from Mr. Patterson in regard to his claims.

Respectfully yours
John Sherman

Annex 179

MEMORANDUM FROM THE FRENCH FOREIGN MINISTER, MR. DELCASSÉ, TO THE FRENCH PRESIDENT, MR. LOUBET, 13 OCTOBER 1900

(Copie Certifiée Conforme á l´Original Conservé aux Archives du Ministère des Affaires Etrangères de la République Française.
Paris, le 09 avril 2002. Le Directeur des Archives, Yvon ROE d´Albert)

By a Note sent to the Foreign Ministry on 22nd September last, the representative of the Republic of Nicaragua at Paris has stated the rights that his government would be in capacity to uphold over the Mangle Chico and Mangle Grande [Little and Great Corn] islands mentioned in the arbitral award rendered on 11 September of the same year between Colombia and Costa Rica.

Mr. Crisanto Medina has on this occasion, invoked the treaty concluded by both States on 20 January 1886, with a view to their respective delimitation and to the terms thereof according to which the arbitration in question may not affect the rights that a third party might claim as to the property of the territory in dispute.

It seems possible to formulate, in response to this note, the following observations:

Taking that convention into account, as well as the general rules of ius gentium, in designating the islands listed in his Award in a nominative manner, the Arbiter has intended nothing but to state that the territory of those islands does not belong to Costa Rica.

Not having to make a statement over the question of limits pending between that State and the Colombian State, he [the Arbiter] had no documents allowing him to exclude, on behalf of any third Power, the Mangle Chico and Mangle Grande [Little and Great Corn] islands from the groups of San Andrés, Providencia, Alburquerque, etc… to which they are expressly linked in the text of the Bogota treaty of 30 March 1865 and over which Colombia, through this action, reserved its rights towards Costa Rica.

In these circumstances, the dispute that may arise between Nicaragua and Colombia relating to the possession of these islands, is unaffected as heretofore, not having the Arbiter set out to, in any way, settle a question between the latter two States that had not been submitted to him.

If the Arbiter approves the conclusions of the present note, written jointly with the Department's Jurisconsult, the Minister of Foreign Affairs shall address a note in that sense to the Minister of Nicaragua in Paris.

13 October 1900.

I entirely approve the conclusions of the note above.
Paris 20 October 1900
(Signed) Émile Loubet

Annex 180

NOTE N° 34429 FROM THE BRITISH FOREIGN OFFICE TO THE COLONIAL OFFICE, 24 OCTOBER 1906, AND ENCLOSED MEMORANDUM DATED 18 OCTOBER 1906

(British Public Record Office)

Documents on pages to follow

Conf 2 Nw

No.34429.

Foreign Office,
24th October, 1906.

Sir,

I am directed by Secretary Sir E.Grey to acknowledge the receipt of your letter (36704/06) of the 12th instant, enclosing a Despatch from the Governor of Jamaica, relative to the sovereignty of the Serranilla Cays, off Jamaica, and in reply I am to transmit to you a Memorandum of all the information which can be traced in this Department on the subject.

From this Memorandum it will be seen that both the United States and Colombia have at different periods laid claim to the Serranilla Cays, and any attempt to treat them as British possessions might give rise to questions with those countries.

In these circumstances it would seem inexpedient to authorise the Jamaican Government to grant a lease of the Islands to Jamaicans or others.

I am, etc.,
(Sd.) ERIC BARRINGTON.

THE UNDER SECRETARY OF STATE
COLONIAL OFFICE.

MEMORANDUM.

Sovereignty of the Serranilla Islands.

In the "Nouveau Dictionnaire de la Géographie Universelle" it is stated that the Serranilla Cays form part of the Group of St.Andrews and Providence, and that they belong to the Republic of Colombia, and in various geographical works relating to Colombia the Island of San Andres is given as belonging to Colombia.

In 1872 a Kingston firm applied for permission to rent the Cays of Serrana and Serranilla, but the Government of Jamaica could not obtain any information as to the sovereignty over these Islands, and the firm concerned having made no further application, the matter was allowed to drop.

In 1874, referring to this correspondence, Commodore de Horsey forwarded a report from Captain Erskine of His Majesty's Ship "Eclipse" who had visited these Islands and Cays. Captain Erskine in his report also stated that the Serranilla Cays belonged to the Territory of "St.Andres and San Luis de Providencia" and that all these Islands and Cays were claimed by, and yielded allegiance to, the States of Colombia. This claim was based on the succession to Spanish rights. The Commodore, who forwarded Captain Erskine's report observed that "these rights (of Spain) appear somewhat questionable, especially as the Island of St. Andrews capitulated to the British Naval forces under

Captain

26th March 1806, and was taken possession of by that officer in the name of His Britannic Majesty" (C.O. 8th March 1875). No action was taken on this letter and there is nothing in this Office to show what decision was arrived at by the Colonial Office. Nor is there anything in the correspondence of Spain, Guatemala Nicaragua, or Colombia with regard to the sovereignty over these Cays since 1806. (Mem.E.H. 14th February 1893)

In 1893 Sir J.Pauncefote sent home a "List of Guano Islands appertaining to the United States bonded under the Act of August 18th, 1856 &c." In this list the Serranilla Keys, viz: East Key, Middle Key and Beacon Key are included, and the dates of the Bonds are 8th September 1879, and September 13th, 1880. But too much weight must not be given to this list, as it includes the Pedro Cays, under a Bond of November 22nd, 1869, which were annexed by Jamaica by Letters Patent in 1882, and taken possession of in 1883, while the Morant Cays, no date for a bond being given, were proclaimed a British Possession in 1863, and annexed by Letters Patent in 1882. Moreover the United States Government in 1887 paid $682.60 as compensation for the detention of the "Natalie" for an infraction of the United States Law in trading with the Pedro Cays, thus admitting that their claim to the Pedro Cays was untenable. (Mem: A.H.O. February 21st 1894).

In April 1894 His Majesty's Minister at Bogota reported that the archipelago of St.Andres was looked

looked upon by the Colombian Government as belonging to Colombia, and that they had resisted attempts by the United States to apply the Bonding Act of 1858 (?1856) to it. (Mr.Jenner 13, April 18th 1894).

There do not appear to be any further references to the Serranilla Cays in the correspondence. We might, therefore, if the Colombian and United States claims are well grounded, become involved in difficulties if Jamaica were to attempt to annex the Serranilla Islands.

(Sd.) R.W.BRANT.

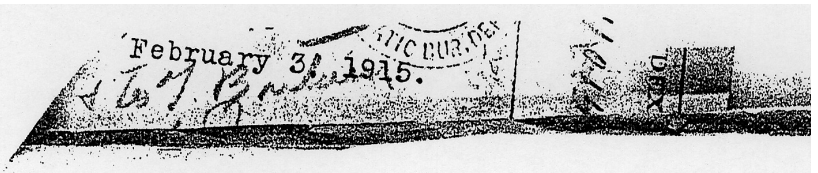
October 18th, 1906.

Annex 181

NOTE FROM THE DEPARTMENT OF THE NAVY TO THE DEPARTMENT OF STATE, 27 FEBRUARY 1913

(Department of State Archives, National Archives, College Park, MD)

Document on page to follow



(a)

C. O. P. Y.

NAVY DEPARTMENT.

20392/288.

Op-J-C

February 27, 1913.

Sir:-

I have the honor to inform you that the Commander-in-Chief of the Atlantic Fleet, who has recently visited the Panama Canal, has submitted an urgent recommendation that lights be established on Quita Sueno, Serrana, and Roncador Banks, approximately 150 miles to the eastward of the coast of Honduras.

These Cays have all been bonded by discoverers as guano islands, but the Department has no information that these islands have ever been proclaimed as belonging to the United States. I therefore have the honor to request information as to their ownership, with a view to taking up the question of establishing lights thereon, as they are in the direct line of steamers from the eastern and Gulf coasts of the United States to the Panama Canal, via the western end of Cuba.

I have the honor further to request that you convey to the British Government the desire of this Department to have a light established on Morant Cays, off the southeastern end of the Island of Jamaica, as that bank is near the steamship route between Windward Passage and Colon.

Very respectfully,

G. v.L. MEYER.

The Honorable,
The Secretary of State,
Washington.

Annex 182

NOTE FROM THE GOVERNOR OF THE ARCHIPELAGO OF SAN ANDRÉS TO THE CAPTAIN OF THE *W.E. HURLSTON*, 2 APRIL 1913

(The Searchlight, Newspaper, San Andrés, 21 April 1913)

Document on page to follow

THIS ISSUE 8 PAGES.

WEEKLY JOURNAL, which appears EVERY MONDAY MORNING. Published in Spanish and English.

F. A. NEWBALL, Editor and Manager.

N.B.—Address all communications: "The Searchlight," of San Andres, R. C.

The Searchlight.

000438

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VOL. II. ISLE OF SAN ANDRES, (COLOMBIA), MONDAY, APRIL 21ST, 1913. No. I.

SALUDO.

Al reanudar sus labores, **The Searchlight** se complace en saludar al Excelentísimo Señor Presidente de la República y a los señores Ministros del Despacho, especialmente el de Gobierno, Dr. Pedro M. Carreño. De igual manera saluda a las autoridades locales, a la prensa del país y a sus amables lectores.

El Resguardo.

REPUBLICA DE COLOMBIA, No. 5.
Resguardo Nacional de las Islas de San Andrés y Providencia.

San Andrés, Febrero 21 de 1913.

Señor Director de "The Searchlight,"—Pte.

Tengo el honor de participar a Ud. que habiendo sido nombrado por decreto Ejecutivo No. 1097, de fecha 13 de Diciembre último, Jefe del Resguardo de estas Islas, tomé posesión de tal puesto el primero de los corrientes y que está ya organizada la oficina a mi cargo.

Me es muy grato significar a Ud. que toda indicación que se sirva hacer en su estimable periódico, en relación con el buen servicio del Resguardo, será atendida con especialísimo interés, así como también, de la manera más atenta, suministraré a Ud. todos los datos que merezcan ser conocidos del público y que Ud. desee publicar en su importante quincenario.

Con sentimientos de distinguida consideración, tengo el honor de suscribirme de Ud. muy atento y seguro servidor.

SANTIAGO GUERRERO.

AGRADECEMOS, profundamente, la atención que, para nosotros, ha tenido el Sr. Jefe del Resguardo.

Hacemos constar que el nombramiento hecho en el Sr. Guerrero ha sido altamente satisfactorio para los isleños, entre quienes goza de grandes simpatías y en quien ven un sincero amigo de esta región. Y no podía ser de otro modo, si se tiene en cuenta su labor patriótica en pro del bienestar de este pueblo. Como prueba de su empeño en este sentido, merece especial mención el luminoso informe que, sobre el Archipiélago, rindió al Ministerio de Gobierno, en julio de 1912, pieza que lo distingue y que sirvió de base para la creación de la Intendencia.

Repetimos que el nombramiento recaído en el Sr. Guerrero es altamente satisfactorio para el pueblo isleño, no solamente por gratitud, sino también por su competencia e indiscutible honradez.

Por nuestra parte le ofrecemos nuestro decidido apoyo para llevar a cabo las delicadas funciones que le han sido encomendadas.

The Cays.

The following is an authentic copy of the official letter addressed to, Capt. Ryan by the Intendant of the Archipelago.

San Andres, April 2nd, 1913.

Mr. W. L. RYAN, Captain of the english sloop *W. E. Hurlston*, from Cayman Brac.—Present.

By information which the Captain of the Port obtained from you, it is to the knowledge of this Despatch that the vessel under your charge left on our Cays of Roncador, Serrana and Serranilla twenty-four fishermen, natives of the english islands of Grand Cayman and Cayman Brac, who are dedicated to the fishing of turtle and hawk's-bill and the collection of guano and shells that are abundant on said Cays, especially at this time of the year.

As the procedure of the english fishermen, in taking charge of the valuable products of our Cays, is in opposition with the universal principles which govern the rights of property, I beg leave to manifest to you that without the permission of the Colombian Government, no one can fish nor gather the products mentioned.

In the future the government of my country shall punish, in the form determined by law, all those who violate its rights.

It is superflous to say to you, also, that it is prohibited to convey foreigners to the Colombian Cays, who go there, without right, to extract the products of our territory.

I request you to make the contents of this Note extensive to the authorities and inhabitants of Grand Cayman and Cayman Brac.

Yours truly,

GONZALO PEREZ.

F. A. NEWBALL,
ATTORNEY-AT-LAW.
(EX-CIRCUIT JUDGE).
Consultation Fee, - - $5.00 Silver.
OFFICE HOURS: 8 to 10 a. m., 12 to 4 p. m.

Annex 183

NOTE FROM THE DEPARTMENT OF THE NAVY TO THE DEPARTMENT OF STATE, 9 APRIL 1914

(Department of State Archives, National Archives, College Park, MD)

Document on page to follow

(b)

C. O. P. Y.

NAVY DEPARTMENT. 20392-288
Op-4

April 9, 1914.

Sir:

I have the honor to quote the following letter, which was forwarded to the Department of State, dated February 27, 1913, and to which there is no record of a reply in this Department's files:

"Sir:-

I have the honor to inform you that the Commander-in-Chief of the Atlantic Fleet, who has recently visited the Panama Canal, has submitted an urgent recommendation that lights be established on Quita Sueno, Serrana, and Roncador Banks, approximately 150 miles to the eastward of the coast of Honduras.

These cays have all been bonded by discoverers as guano islands, but the Department has no information that these islands have ever been proclaimed as belonging to the United States. I therefore have the honor to request information as to their ownership, with a view to taking up the question of establishing lights thereon, as they are in the direct line of steamers from the eastern and Gulf coasts of the United States to the Panama Canal, via the western end of Cuba.

I have the honor further to request that you convey to the British Government the desire of this Department to have a light established on Morant Cays, off the southeastern end of the Island of Jamaica, as that bank is near the steamship route between Windward Passage and Colon.

Very respectfully,

G. v. L. MEYER."

The matter has been recently recalled to the Department's attention by the Commander-in-Chief of the Atlantic Fleet, and I have the honor to request that I be advised as to whether your Department has been able to obtain the information desired.

Sincerely yours,

JOSEPHUS DANIELS.

The Honorable
The Secretary of State,
Washington.

Annex 184

NOTE Nº 109/271 FROM THE COMMISSIONER OF THE CAYMAN ISLANDS TO THE COLONIAL SECRETARY AT JAMAICA, 13 JUNE 1914

(Jamaica Archives)

Documents on pages to follow

No. 109/271.

Confidential.

16018/11

S. S. Con 21.4.14

Copied for Gov's conf. Desp: [illegible] 15.7.14.

Sir,

I have the honour to acknowledge the receipt of your Confidential letter No 6141/S.S.Conf.21/4/14 enclosing a copy of a Confidential Despatch from the Secretary of State for the Colonies together with copies of correspondence with the Foreign Office on the subject of complaints by Cayman Islands Fishermen and the alleged irregularities by Cayman Islands fishing vessels operating off the Island of San Andrès.

2. It appears that there are five Cays or Reefs, called Boxanova, Seranilla, Sérrannah, Roncadore, and Quitaseno which are uninhabited and over which the Colombian Government exercise a claim.

3. These Cays are situated some distance away from the Colombian shores and used to be frequented by Fishermen from the Lesser Cayman Islands in search of hawksbill turtle.

4. I am led to understand that fishing operations are now, and have been for some long time past entirely confined to Nicaraguan waters, and that there have been no reports since the late Dr Hirst's confidential letter No 5 of the 17th November 1911 of any friction or misunderstandings of any nature whatsoever between the Colombian

The Hon'ble

The Colonial Secretary

Jamaica.

Government and the Cayman Islands Fishermen,

5. I am not aware of the enforcement of any fresh regulations since last year nor indeed of the existence of any regulations.

I have the honour to be,

Sir,

Your obedient servant,

A.C. Robinson.

Commissioner.

Annex 185

NOTE Nº 30613/14 FROM THE BRITISH FOREIGN OFFICE TO THE UNDERSECRETARY OF STATE FOR THE COLONIES, 10 JULY 1914

(General Archives of Colombia)

Document on page to follow

FOREIGN OFFICE,

No. 30613/14. July 10 1914.

Sir:-

With reference to my Note of April 14th last relative to alleged irregularities on the part of British fishermen from the Cayman Islands operating off the Island of San Andrés, I have the honour to inform you that a despatch has been received from His Majesty's Chargé d'Affaires at Bogotá enclosing extracts of the regulations issued by the Colombian Government with regard to licences to fish in those waters.

I am causing copies of the regulations in question to be sent to the Colonial Office with the request that they may be communicated to the Governor of Jamaica.

I have the honour to be,
with high consideration,
Sir,
Your most obedient,
humble Servant,
(For the Secretary of State)

Ralph Paget

Annex 186

NOTE FROM THE SECRETARY OF STATE FOR THE COLONIES TO THE GOVERNOR OF JAMAICA, 23 JULY 1914

(Jamaica Archives)

Document on page to follow

JAMAICA

CONFIDENTIAL

Downing Street,

23rd July, 1914.

Sir,

10th July 1914

With reference to my Confidential despatch the 21st April, I have the honour to transmit to you accompanying copy of a letter from the Foreign Office enclosing copies of the Regulations governing the fisheries off the Island of San Andrés.

2. I shall be glad if you will instruct the Commissioner of the Cayman Islands to bring these Regulations to the notice of all concerned and to report what measures he is taking.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

L. Harcourt.

Annex 187

NOTE FROM THE GOVERNOR OF JAMAICA TO THE SECRETARY OF STATE FOR THE COLONIES, 14 NOVEMBER 1914

(Jamaica Archives)

Document on page to follow

COPY.

14th. November 1914.

JAMAICA.

CONFIDENTIAL.

Sir,

I have the honour to acknowledge the receipt of your Confidential despatch, dated the 23rd. July last, transmitting copy of correspondence with the Foreign Office on the matter of Regulations governing the Fisheries off the Island of San Andrea and in reply, to transmit the accompanying copy of a letter (with enclosure) received from the Commissioner of the Cayman Islands from which you will see that your instructions that these Regulations should be brought to the notice of all concerned has been observed.

16. 10. 14.

I have etc.,

(SGD) W.H.MANNING.

GOVERNOR.

Right Honourable

Lewis Harbourt M.P.,

Secretary of State

for the Colonies.

Annex 188

NOTE FROM THE DEPARTMENT OF THE NAVY TO THE DEPARTMENT OF STATE, 3 FEBRUARY 1915

(Department of State Archives, 811.0141C19/12. At the National Archives, College Park, MD)

Document on page to follow

IN REPLY ADDRESS
SECRETARY OF THE NAVY
AND REFER TO NO.

NAVY DEPARTMENT

WASHINGTON

INDEX BUREAU FEB 6 1915 DEPT OF STATE

RECEIVED FEB 11 1915 NAT'L BUR. DEPT. OF STATE

N1S

February 3, 1915.

INDEX BUREAU 811.0141 C 19/13

S i r :-

I beg to enclose copies of correspondence as follows:

(a) Copy of letter from Navy Department to State Department, dated February 27, 1913.
(b) Copy of letter from Navy Department to State Department, dated April 9, 1914.
(c) Copy of letter from the Seeberg Steamship Line Incorporated, dated Dec. 24, 1914.
(d) Copy of letter from the Commissioner of Lighthouses, Treasury Department, dated Jan. 23, 1915.
(e) Copy of endorsement of the Hydrographer, Navy Department, dated Jan. 27, 1915 forwarding (c) and (d) to Navy Department.

FILED AUG 2 1915

This Department begs to renew its recommendations as made in (a) and (b) and to request that the State Department will, at its early convenience, take such steps as it deems appropriate toward acquiring the information that is necessary before other steps can be taken toward the establishment of these important aids to navigation in the Caribbean Sea.

Respectfully,

Josephus Daniels

The Honorable
The Secretary of State,
Washington, D. C.

Annex 189

LETTER FROM MR. EDWARD A. ALEXANDER, COUNSELOR AT LAW, NEW YORK, TO THE DEPARTMENT OF STATE, 19 JULY 1915

(Department of State Archives, 811.0141/18. At the National Archives, College Park, MD)

Document on page to follow

EDWARD A. ALEXANDER
COUNSELOR AT LAW
165 BROADWAY NEW YORK
TELEPHONES 772 773 CORTLANDT

811.0141/18
RECEIVED
JUL 28 1915

July 19, 1915.

Department of State,
Washington, D.C.

Gentlemen:--

I have received a letter from one of the official representatives of the Government of Colombia, S.A., who informs me that there is on file in your office an analysis, and considerable data concerning certain deposits of Guano in the Archipeligo of San Andrès. This Guano is located on the keyes of Roncador, Quitasueño, Serranilla y South West Cay, in the Archipeligo of San Andrès.

If you have any information concerning this, would you please be kind enough to let me have a copy of it. If there is any expense attached to it, I shall be glad to pay the same.

Thanking you in advance for any courtesy you may show me, I beg to remain,

Yours very truly,

Edward A. Alexander

EA/BF

Noted 1/31/17

Annex 190

NOTE FROM MR. WILLIAM PHILLIPS, THIRD ASSISTANT SECRETARY, FOR THE SECRETARY OF STATE, TO MR. ALEXANDER, 27 JULY 1915

(Department of State Archives, 811.0141/18. At the National Archives, College Park, MD)

Document on page to follow

811.0141/18

July 27, 1916.

Mr. Edward A. Alexander,

165 Broadway, New York City.

Sir:

The Department acknowledges the receipt of your letter of the 19th instant, requesting information regarding certain guano islands, and in reply begs to refer you to Moore's INTERNATIONAL LAW DIGEST, Vol. I, pages 567-680. This volume you should be able to consult in the New York Public Library.

If, after consulting this book, there is any particular information regarding any of these islands you may wish, the Department will endeavor to supply it upon the receipt of your request.

You will observe that the "Archipelago of San Andres" is not mentioned in the list of guano islands appertaining to the United States. It is possible that there are islands of that archipelago which are so listed under separate names.

I am, Sir,

Your obedient servant,
For the Secretary of State:

Third Assistant Secretary.

A true copy of the signed original.

811.0141/18
7 S/BO

Annex 191

TELEGRAM FROM THE UNITED STATES MINISTER IN BOGOTÁ TO THE DEPARTMENT OF STATE, 17 SEPTEMBER 1919

Papers relating to the Foreign Relations of the United States, 1919, Vol. I (Washington, United States Government Printing Office, 1934), p. 798.

Documents on pages to follow

NOW, THEREFORE, I WOODROW WILSON, President of the United States, by virtue of the power in me vested, do hereby declare, proclaim, and make known that Roncador Cay, in the western part of the Caribbean Sea, be and the same is reserved for lighthouse purposes, such reservation being deemed necessary in the public interests, subject to such legislative action as the Congress of the United States may take with respect thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE this fifth day of June in the year of our Lord one thousand nine hundred and nineteen, and of the Independence of the United States the one hundred and forty third.

[SEAL]

WOODROW WILSON

By the President:

WILLIAM PHILLIPS

Acting Secretary of State.

811.822/63 : Telegram

The Minister in Colombia (Philip) to the Secretary of State

BOGOTÁ, *September 12, 1919, 11 a.m.*

[*Received September 13, 12.15 a.m.*]

130. The Minister for Foreign Affairs informs me that an official report has been received by the Colombian Government from the Intendente of the islands of Providencia and San Andres that stone and cement light towers have been erected without the permission of the Colombian authorities on the cays of Roncador, Quita Sueno and Serranilla (or Serrana) in the Colombian Archipelago. The report further states that these towers have been furnished with self-feeding lights to last one year.

The Minister said he would send a note of inquiry regarding the above report which has already been taken up by the press and which is most embarrassing to the Government in view of the present delicate situation existing between the United States and Colombia. I respectfully [request] the Department's instructions upon which to base my reply.

PHILIP

811.822/64

The Minister in Colombia (Philip) to the Secretary of State

No. 144 BOGOTÁ, *September 17, 1919.*

[*Received October 9.*]

SIR: With reference to my cable message of September 12: 11 a. m. I have the honor to transmit herewith copy and translation of a note

from the Colombian Minister for Foreign Affairs, dated the 13th instant, relative to an official report received by the Ministry of Government to the effect that light towers have been installed on the cays known as Roncador, Quita Sueño and Serranilla and which belong to the Republic of Colombia.

[Here follows summary of the enclosed note.]

In my conversation with the Foreign Minister on the subject he called my attention to the press notices in regard to it. I said that I was in entire ignorance of any such action having been taken and felt very confident that the work had not been undertaken at the instigation of the Government of the United States unless some misunderstanding may have existed as to the ownership of the rocks in question.

The opposition press is using this report as one of its points of attack against President Suarez as well as against the policy of the United States towards Colombia.

It is very regrettable that the incident has arisen at this juncture and I very much hope to receive from the Department such information as will have the effect of allaying all cause for criticism here in regard to it.

I have [etc.] HOFFMAN PHILIP

[Enclosure—Translation]

The Colombian Minister of Foreign Affairs (Holguin y Caro) to the American Minister (Philip)

BOGOTÁ, *September 13, 1919.*

MR. MINISTER: By official communications which have reached the Ministry of Government and which have been transmitted to the Foreign Office the Government has learned, not without surprise, that some light towers have been installed in the Cays of Roncador, Quita Sueño and Serranilla, which belong to the territorial domain of Colombia.

Under date of March 1st last, Your Excellency addressed himself to this Ministry in order to solicit for your Government a permit for the instalation of light towers in the islands of Providencia and Courtown. Nothing was said at that time about the existence of light towers or the proposal to establish them on the Cays above mentioned. The Government of Colombia brought to the attention of Your Excellency's Government several years ago the titles which make good its right to proprietorship over the Cays, as can be seen

63412—34——57

Annex 192

TELEGRAM FROM THE UNITED STATES MINISTER IN BOGOTÁ TO THE DEPARTMENT OF STATE, 4 OCTOBER 1919

Papers relating to the Foreign Relations of the United States, 1919, Vol. I (Washington, United States Government Printing Office, 1934), pp. 800-801.

Documents on pages to follow

in the lengthy note which the Chargé d'Affaires in Washington, General Julio Rengifo, transmitted to the Department of State under date of January 18, 1893.[11]

Previous [*subsequent*] to this note, Your Excellency's Government recognized explicitly the sovereignty of Colombia over the Cays, for it supported through its Legation in Bogota a request from the Government of Sweden that the Government establish a light tower in those places.[12] Upon transmitting this desire the Minister of the United States employed the following words: "I am instructed to advise Your Excellency that the Government of the United States warmly seconds the idea of the Government of Sweden and that it would be pleased to learn that the erection of that light tower which is of such great necessity has been determined upon."

In view of the above, my Government cannot explain the existence of light towers on the Cays, without requesting its consent or having given notice of that proposal; and therefore, I take the liberty of calling Your Excellency's attention to this matter in order that Your Excellency may deign to seek information about the origin and circumstances of a work carried out on territory the proprietorship over which the Government of Colombia once more sustains, thus leaving its rights there unimpaired.

I renew [etc.] HERNANDO HOLGUIN Y CARO

811.822/65 : Telegram

The Minister in Colombia (Philip) to the Secretary of State

BOGOTÁ, *October 4, 1919, 10 a.m.*
[*Received October 10, 9.45 p.m.*]

147. Referring to my cable of September 12th, 11 a.m. concerning light houses on Colombian cays the papers here are full of violent protests against [action] of the United States. An article from *La Estrella* of Panama dated September 14th is extensively quoted which embodies copy of proclamation by President Wilson dated June 1st last declaring Roncador Cay to be under the jurisdiction of the United States et cetera. I beg the Department to consider the disadvantageous position in which I am placed in this matter and to inform me fully in regard to it. The announcement has caused an unfortunate impression which tends to greatly increase the difficul-

[11] Not printed; see *Foreign Relations*, 1894, pp. 197–98.
[12] The communication was presented by the Legation in accordance with the Department's instruction No. 76 of Nov. 26, 1894 (Colombia, Instructions, vol. 18); not printed.

ties of the existing situation. If possible the instructions sent me should embody authoritative and reassuring statement for publication. The *Gil Blas* of yesterday publishes a perfect translation of my note of March 1st to the Foreign Office requesting permission for towers on Providencia and Courtown which evidently has been obtained surreptitiously.

PHILIP

Annex 193

TELEGRAM FROM THE SECRETARY OF STATE TO THE UNITED STATES MINISTER IN BOGOTÁ, 16 OCTOBER 1919

Papers relating to the Foreign Relations of the United States, 1919, Vol. I (Washington, United States Government Printing Office, 1934), p. 801.

Document on page to follow

ties of the existing situation. If possible the instructions sent me should embody authoritative and reassuring statement for publication. The *Gil Blas* of yesterday publishes a perfect translation of my note of March 1st to the Foreign Office requesting permission for towers on Providencia and Courtown which evidently has been obtained surreptitiously.

PHILIP

811.822/65 : Telegram

The Secretary of State to the Minister in Colombia (Philip)

WASHINGTON, *October 16, 1919, 2 p.m.*

Your September 12, 11 a.m.

Lighthouses were built and in operation in June, 1919, on the Cays of Roncador, Serranillo, and Quita Sueno, in the belief that they appertain to the United States under Guano Act.[73] The Colombian Minister here has expressed the opinion that erecting lighthouses without consulting Colombia has had an unfortunate effect on situation surrounding new proposed subsoil agreement there, and offered to submit a memorandum, presumably to explain Colombia's position, at a more propitious moment. In view of your October 4, 10 a.m., you may assure the Colombian Government that this Government will be pleased to hear any arguments it cares to make with respect to these cays but it is hoped that for the moment the questions of major importance like that of the new proposed subsoil agreement and the Treaty of 1914 as modified may take precedence.

LANSING

811.822/73 : Telegram

The Minister in Colombia (Philip) to the Secretary of State

BOGOTÁ, *November 19, 1919, 11 a.m.*
[*Received November 21, 3.20, p.m.*]

173. Referring to the Department's October 16, 2 p.m. relative to Roncador and other cays. Does the Department wish me to reply in writing to the Foreign Office note of September 13th transmitted with my despatch number 144 of September 17th as instructed in the last paragraph of that telegram? My action has been confined to verbal communications as the instructions received seemed intended for that only.

PHILIP

---

[73] 11 U.S. Stat. 119.

Annex 194

NOTICE Nº 21 ISSUED BY THE BRITISH COMMISSIONER OF THE CAYMAN ISLANDS, 22 MAY 1924

(Enclosure to Jamaica Confidential Despatch dated June 1924. British National Archives. Reference N° FO 371/9529)

Document on page to follow

Enclosure to Jamaica Confidential despatch dated 18th June, 1924.

CAYMAN ISLANDS.

Government Notice. 19

Commissioner's Office,

No. 21.

Georgetown, 22nd May 19 24.

3 copies forwarded

Referring to Government Notice of the 16th October 1914, masters and crews of fishing vessels of the Dependency are again notified that fishing for turtle, pearls, coral, sponges or other marine products in the territorial waters of the Republic of Colombia in the Archipelago of San Andres or the removal of guano or phosphate deposits from the islands or cays thereof, is forbidden as being illegal except under licence from the Colombian Government.

The Archipelago of San Andres in which the Colombian Government claims territorial jurisdiction includes the islands of San Andres and Providence, and the Banks and Cays known as Serrana, Serranilla, Roncador, Bajo Nuevo, Quitasueno, Albuquerque and Courtown.

H. H. HUTCHINGS,
Commissioner.

The National Archives

Annex 195

BRITISH FOREIGN OFFICE'S INTERNAL DOCUMENT OF 29 NOVEMBER 1926

(British National Archives, Reference N° FO 371/11129, Registry N° A6245/21/11)

Documents on pages to follow

75

A

137

A 6245

29 NOV 1926

Colombian Government's claim to Quita Suena Bank.

Refers to F.O. despatch No.1085 of 17th August (A 4279/21/11).

Examination of files of State Department shows that in 1869 affidavits and papers relating to discovery of guano on Quita Suano and Roucador Island were submitted to Secretary of State by Captain James W.Jennett who maintained he had taken possession. File also contained affidavits intimating readiness of certain individuals to stand surety for a bond for $200,000 for delivery of guano discovered on "Keys of Pedro Keys; Quita Sueno, Petrel and Roucador to citizens of United States" State Department was not prepared to release copies of these papers but were willing to publish them if His Majesty's Government desired.

Registry Number: A 6245/21/11

FROM Mr. Chilton Washington

No. 1800.

Dated 17th Nov. 1926.

Received in Registry 29th Nov. 1926.

Re: Colombia.

Last Paper.

References.

(Print.)

(How disposed of.)

L 9827

(Action completed.)

(Index.)

Next Paper.

(Minutes)

The Colombian claim is based on an arbitral award of the President of the French Republic given in 1900 which awarded the archipelago of San Andras, including all the islands, islets and cays which formerly appertained to the old province of Cartagena, without exception to Colombia.

The United States claim was made public in a proclamation of President Wilson's issued in 1919 and which was to the following effect:-

"WHEREAS, the Congress of the United States has provided by act of August 18, 1856 (11 U.S. Statutes at Large, page 119; Secs. 5570 to 5578 U.S. Revised Statutes), that whenever any citizen of the United States, after the passage of the act, discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other Government and shall take peaceable possession thereof and occupy the same, the island, rock, or key may, at the discretion of the President of the United States, be considered as appertaining to the United States.

"AND WHEREAS, pursuant to the foregoing act of Congress, Serrana and Quita Sueno Banks in the

Western/

The National Archives
FO 371 / 11129

western part of the Caribbean Sea are now under the sole and exclusive jurisdiction of the United States and out of the jurisdiction of any other government.

"NOW, THEREFORE, I, WOODROW WILSON, etc., do hereby declare, etc., that the southwest cay of Serrana Banks and the north, or other suitable portion of Quita Susño Banks, including any small detached cays surrounding either of these banks which the Department of Commerce may desire, be and the same are reserved for lighthouse purposes, such reservations being deemed necessary in the public interests, subject to such legislative action as the Congress of the United States may take with respect thereto."

It is clear therefore that the United States claim dates from the filing of the affidavits referred to in this despatch, i.e., 1869. But the Colombian claim dates from the days of the Spanish occupation, and is therefor the older.

C.J.W.-Com
2.12

W. Sherman.

R.R. Craigie 6/12.

Add: FO 371 / 11129

Annex 196

OFFICIAL OPINION OF THE NICARAGUAN GOVERNMENT ON THE END OF THE DISPUTE WITH COLOMBIA, 22 SEPTEMBER 1928

(La Gaceta, Diario Oficial N° 216, Managua, D.N. 22 September 1928, pp. 1629-1631)

Editorial Note

Official Opinion on the end of the Dispute with Colombia

During the present and past week, the press of this capital has been dealing with the Agreement that put an end to the controversy that for many years Nicaragua held with the sister Republic of Colombia, on the issue of sovereignty over the Mosquito Coast, over the Mangle Grande and Mangle Chico islands in the Atlantic Ocean, and over the Islands of San Andrés and Providencia, and other islets that are known by the name of Archipelago of San Andrés.

It is true that the present Government, through its Plenipotentiary, Mr. José Bárcenas Meneses, concluded a Treaty with the Government of Colombia, represented by its Plenipotentiary, Mr. Manuel Esguerra; a Treaty the complete text of which is published in other columns of this same number of La Gaceta. Until now, a certain confidence had been observed with regard to the clauses of that agreement, not out of any wish to shroud it in mystery, but because the circumstances of a diplomatic process so demand; and it was easy to comply with it because the time at which the above mentioned Treaty could be submitted to the approval of the Sovereign Congress, that is to crown this act of friendly transaction, was still far off.

All citizens are well acquainted with the dispute referred to. For almost a century, it was the substance of one of the issues which disturbed us in the purpose of integrating our territory on the Atlantic side, to give our country the geographical form that has characterized its special importance in the Continent. The last stage of this dispute, that has been the most intense one in the discussion of the rights and claims of both Republics, started in February of the year 1916 [sic], when the Government of Colombia sent a note of protest to the State Department in Washington, due to the conclusion of the Chamorro-Bryan Pact. In this document, the Colombian Foreign Ministry stated that our Atlantic Coast is Colombian territory, and that it does not belong to the geographical circumscription of Central America; moreover, it claimed its dominion over the Mangle Islands, the lease of which was an integral part of the aforementioned Chamorro-Bryan Pact. We

contradicted their demands and, based on documents, advanced a claim to Colombia over the islands of San Andrés and Providencia, occupied and governed by its administration.

The discussions and efforts of our Ministry of Foreign Affairs have been long and interesting; they pulsed between serenity in judgment and firmness in the intention of maintaining the integrity of our territory.

We will not follow step by step the incidents of such an interesting process; but undoubtedly, the main subject, the core of this issue for Nicaragua, was to clarify its dominion over the Atlantic Coast, called the Mosquito Coast, and over the Mangle Islands, that constitute an essential terrain for the construction of our canal, the desideratum of our national aspirations since before Independence; that is to say, ever since Nicaragua lived under the empire of the Motherland.

Every country has its marked geographical destiny that is like the mold in which its nationality and its history are formed.

The geographical destiny of Nicaragua has been made up of its lakes, bringing the two big oceans nearer to one another and offering the possibility of an easy and magnificent canal linking them both. When we became independent from the Motherland, we received our territorial circumscription diminished on the Atlantic Coast, and overshadowed by doubts regarding our titles of dominion. The obstacles posed by this geographical deficiency for attaining the canal have not been small. More than once they altered the trends favoring the work, to the benefit of others and to our present's detriment, postponing until a distant future that coveted reality held as a promise of our geography.

Since the conclusion of the Chamorro-Bryan Pact, year after year the realization of the magna idea has become visibly closer and today, palpable circumstances start turning hope into a near and prolific reality. It was necessary, therefore, to set aside impediments, cleanse our titles, fix our rights, so that when the time comes no foreign protests can again delay that which can be the fruit of this generation.

This criterion has inspired the Government to conclude the Treaty that we briefly examine in this editorial. Moreover, the Executive has considered that Colombia is a sister nation with whom was reconciling interests was worthwhile, even reducing just claims, to harmoniously resolve a problem that seemed unsolvable throughout the whole century of both Republics' existence as independent nations.

Our Government being so motivated, the cooperation that was prudently afforded to us by Washington's State Department was an important part in facilitating a definitive and friendly understanding. The public statements of the current President of the United States, Mr. Calvin Coolidge, in which he expresses his desire to leave all the territorial questions that could pose obstacles to continental harmony resolved, if possible, during his administration, no doubt led the State Department to lend us its intelligent, reason-

able and friendly cooperation, at the opportune moment to settle the existing discord by mutual concessions and with a fraternal spirit.

Encouraged by the publications in the press, we break a confidence that is no longer necessary and we deliver the Treaty to the Nicaraguan public, so that it may calmly study and discuss it and prepare the general views that the Sovereign Congress shall find. The Congress, representing the true public opinion, will sanction the agreement on [the basis of] which the Executive has intended to found the clean integrity of our Atlantic territory.

[T.N.: Entire text of the 1928 Treaty and Nicaraguan Presidential approval and submission to Congress follow under heading: “Executive Branch, Ministry of Foreign Affairs”]

Annex 197

NOTE N° 1316 FROM THE UNITED STATES CHARGÉ D'AFFAIRES A.I. AT MANAGUA, TO THE SECRETARY OF STATE OF THE UNITED STATES, 11 FEBRUARY 1930

(Department of State Archives, 717.2114/98. At the National Archives, College Park, MD)

Documents on pages to follow

Reproduced at the National Archives

LEGATION OF THE
UNITED STATES OF AMERICA

Managua, February 11, 1930.

No. 1316

DEPT OF STATE
FEB 17 30
DIVISION OF
LATIN AMERICAN AFFAIRS
FEB 18 1930
DEPARTMENT OF STATE

717.2114

717.2114/98

FOR DISTRIBUTION - CHECK
To the Field
S. A.

Copy Transmitted by The
Commercial Office
To Bogota
3/27/30

The Honorable

The Secretary of State,

Washington.

Sir:

717.2114/97

Supplementing my despatch No. 1272 of January 7, 1930, I have the honor to report that the Acting Minister for Foreign Affairs has informed me that the Senate Commission appointed to make a study of the territorial treaty between Nicaragua and Colombia, will recommend the ratification of that treaty by Congress with an accompanying interpretation of the treaty in the sense that the San Andrés Archipelago does not extend to the west of Meridian
1/2/ 82 of Longitude. A copy and translation of the decree of ratification which the Commission will propose are transmitted herewith.

The

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The Acting Minister for Foreign Affairs told me that there were a large number of small and unimportant islands and cays within a short distance of the east coast of Nicaragua and the proposed interpretation or clarification of the treaty was to insure that the ownership of those islands would not at a later date become the subject of another controversy between Nicaragua and Colombia. I have spoken to the Colombian Minister regarding the reported decision of the Senate Committee and he has told me that he sees no reason for Colombia to object to the interpretation proposed since none of the islands or cays which would be affected have any importance or value to Colombia.

The Acting Minister for Foreign Affairs told me that of the three members composing the Foreign Office Commission which is studying the same treaty, Dr. Salvador Guerrero Montalvan and Dr. Julian Irias favored ratification. The remaining member, Dr. Carlos Morales, had not expressed his opinion but it was believed that he also would favor ratification.

The Acting Minister for Foreign Affairs expressed the opinion that a favorable report by both commissions would insure the ratification of the treaty by Congress.

I have the honor to be, Sir,

Your obedient servant,

Willard L. Beaulac,
Chargé d'Affaires ad interim.

Enclosures:

1. Copy of proposed decree of ratification.
2. Translation of same.

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American L
Managua, Nicaragua.
Despatch No. 1316.
Enclosure No. 1.

TRANSLATION

711.12.0
DEPARTMENT OF STATE

The Senate and Chamber of Deputies of the Republic of Nicaragua,

DECREE:

1. To ratify the Treaty celebrated between Nicaragua and the Republic of Colombia on March 24, 1928, and approved by the Executive Power on the 27th of the same month and year, to solve the territorial question between both Republics concerning the Archipelago of San Andrés and Providencia and the Mosquito Coast, with the understanding that the Archipelago of San Andrés mentioned in the first clause does not extend to the west of Meridian 82 of the map published in October, 1885, by the Hydrographic Office of Washington under th authority of the Secretary of the Navy of the United States of America; the present decree should be include in the instrument of ratification.

Annex 198

RECORD OF SESSION XLVIII OF THE CHAMBER OF THE SENATE OF THE NICARAGUAN CONGRESS, 4 MARCH 1930

(La Gaceta, Diario Oficial N° 94, Managua, D.N., 1 May 1930, pp. 746-747)

CHAMBER OF THE SENATE

Session XLVIII of the Chamber of the Senate in its ordinary meeting of the eighteenth constitutional period, held at ten in the morning, on Tuesday, 4 March 1930.

Presidency of Senator Román
Senators Present: Hodgson, Castellón (Trinidad), López Irías, Somarriba, Pereira, Trejos, Krause, Víquez, Pérez, Cuadra (J. D.), Callejas, Paniagua Prado, Ocón, Collado, Genie, Amador, Velásquez, Pastora, Arcia and Secretaries of the Senate: Altamirano and Cajina Mora, Senators Mora and Tapia Moncada were absent with permission.

[T.N. Pertinent Excerpt follows.]

7°--The report of the Commission, signed by Senators Paniagua Prado, Pérez and Amador, that had studied the initiative of the Executive Branch, submitting the border Treaty between Nicaragua and Colombia for the consideration of this High Body, was read. The aforesaid were of the opinion that the Treaty entered into between these two Republics on 24 March 1928, approved by the Executive Branch on 27 of the same month and year, should be ratified. The Treaty brings to an end, the question pending between both States regarding the Archipelago of San Andrés and Providencia and the Nicaraguan Mosquitia; understanding that the Archipelago of San Andrés mentioned in the first clause of the Treaty does not extend west of Greenwich meridian 82 of the chart published in October 1885 by the Hydrographic Office of Washington under the authority of the Secretary of the Navy of the United States of North America.

Having taken the report into consideration and having subjected it to general discussion, Senator Paniagua Prado, Reporting member, took the floor to explain the causes which gave rise to the dispute between Colombia and Nicaragua over the rights alleged by both parties to the islands of San Andrés and Providencia and those of the Corn Island [sic] and the Mosquitia Coast, whose origin was in the alarm generated in Colombia by the Byran[sic]-Chamorro Treaty. He said more: that there being no ground whatsoever for the pretensions [of Nicaragua] over the disputed territories, the best solution that can be given to this dispute from a patriotic standpoint, is to approve the Treaty under discussion and which has been submitted for the consideration of the Legislative Branch in the manner indicated in the report.

Senator Cuadra (J. D.) spoke at length of the reasons Colombia had for its pretensions

over Great Corn Island and Little Corn Island and also regarding the Treaty which is now being dealt with by this Honorable Chamber.

Senator Paniagua Prado again took the floor to reinforce his arguments and he tried to show the advisability and need to approve the Treaty which is being dealt with.

The discussion continued between Senator Paniagua Prado and Senator Cuadra (J. D.) and Senator Ocón.

At the request of Senator Paniagua Prado, it was decided to invite the Minister of Foreign Affairs to the session of tomorrow 5, at 10 a.m., for him to illustrate certain points regarding the said initiative of the Treaty between Colombia and Nicaragua.

For this reason, the President, Senator Román, adjourned the discussion of this Draft to be continued on the following day at the time when the Honorable Minister of Foreign Relations was present.

8°--The same President, Senator Román, called upon the Senators to commence the next session on the following day, Wednesday, fifth of this month at the regulatory time. 9°--The session was adjourned.

Signature V. M. Román, President of the Senate, Vicente F. Altamirano, Secretary of the Senate and J. Cajina Mora, Secretary of the Senate

Annex 199

RECORD OF THE XLIX OF THE CHAMBER OF THE SENATE OF THE NICARAGUAN CONGRESS, 5 MARCH 1930

(La Gaceta, Diario Oficial N° 98, Managua, D.N., 7 May 1930, pp. 777-779)

CHAMBER OF THE SENATE

Session XLIX of the Chamber of the Senate in its ordinary session of the eighteenth constitutional period, held at nine forty-eight in the morning on Wednesday, five March nineteen thirty.

President: Senator Román.
Senators Present: Pereira, López Irías, Trejos, Collado, Krause, Castellón (Trinidad), Velásquez, Hodgson, Arcia, Callejas, Genie, Víquez, Amador, Paniagua Prado, Pérez, Cuadra (J. D.), Somarriba, Tapia Moncada, Ocón, Pastora, and Secretaries Altamirano and Cajina Mora. Senator Mora was absent with permission.

[T.N. Pertinent Excerpt follows.]

3°--At ten in the morning and in response to the invitation of this High Body at the request of Senator Paniagua Prado, the Honorable Minister of Foreign Affairs, Doctor Manuel Cordero Reyes, was present.

The President of the Senate, Senator Román, immediately submitted again for discussion, the regulatory report that comprises the initiative of the Executive Branch on the Treaty between Colombia and Nicaragua, which had been suspended during the previous session to await the presence of the Honorable Minister of Foreign Affairs, invited to today's session.

Under authorization by the President, Senator Román, Senator Paniagua Prado addressing the Honorable Minister and the Honorable Chamber, stated in the following terms:

That since the Honorable Senator Don Demetrio Cuadra had stated during yesterday's session his fears that the Colombian Government would not accept the amendment to the Treaty with Nicaragua on the disputed [sic] over the islands of San Andrés and Providencia, that the Study Commission proposed. Since he therefore considered that addition or amendment to the Treaty not to be convenient, and His Excellency the Minister of Colombia [in Managua], Mr. Esguerra having declared to me in my capaci-

ty as Senator of the Republic, that his Government was willing to accept the agreed delimitation, he had asked for the Minister of [Foreign] Affairs to be called in order to learn whether our Ministry of Foreign Affairs is officially aware of that decision of the Colombian Government regarding the clarification or demarcation of the dividing line of the waters in dispute; as he understands that such demarcation is indispensable for the question to be at once terminated for ever.

The Minister replied: that he understood that he had been called to hear the opinion of the Executive Branch regarding the matter of the Colombian question: that during an interview at the Ministry of Foreign Affairs with the Honorable Senate Commission on Foreign Affairs, it was agreed between the Commission and the advisors of the Government to accept the 82º West Greenwich meridian and of the Hydrographic Commission of the Ministry of the Navy of the United States of 1885, as the boundary in this dispute with Colombia; that on that occasion, Senator Paniagua Prado stated his fear that by making that amendment or clarification, it would be submitted for the approval of the Colombian Congress and would act as a hindrance for its approval and, therefore, for the termination of this troublesome matter, but that he had conversed with the Honorable Minister of Colombia [in Managua] and he in turn with his Government, who manifested that he begged not to alter the Treaty because it would have to be submitted again to the Congress consideration; having insinuated to H. E., Minister Esguerra, to discuss this issue again with his Government, and after obtaining a reply, he had manifested to him that his government had authorized him to declare that such Treaty would not be submitted for the approval of the Colombian Congress, by reason of the clarification which marked the dividing line, that he could therefore, even though there was nothing in writing, assure the Honorable Chamber, on behalf of the Government, that the Treaty would be approved without the need for it to be submitted again for the approval of the [Colombian] Congress.

The Minister added that the clarification did not revise the Treaty, as its only purpose was to establish a boundary between the archipelagos which had been the reason for the dispute and that the Colombian Government had already accepted that clarification according to what was expressed by their Minister Plenipotentiary [who had] solely manifested that this clarification [should] be made in the protocol of [exchange] of ratification of the Treaty; that this clarification was a need for the future of both nations, as it came to establish the geographical boundary between the archipelagos in dispute, without which the question would not be completely defined; and that he therefore requested the Honorable Chamber to approve the Treaty with the proposed clarification.

Senator Cuadra (Demetrio) then took the floor and stated: Honorable Minister, all of us here agree to approve the Treaty with Colombia with all its terms, but some of us, myself included, have differed over the approval of the explanation or addition establishing boundaries to the Archipelago of San Andrés that the Study Commission proposes. Without entering a discussion as to the advisability of that clarification, I consider it to be a complete amendment of the Treaty and therefore should be returned for the consideration of the Colombian Congress where everything is done with legal formality. It

is urgent for us to clarify our rights over the Mosquito territory and over the islands granted by the Bryan-Chamorro Treaty as belonging to Nicaragua for the construction of the Canal. That amendment, I repeat, will necessarily have to be returned for the consideration of that Congress, which would delay that clarification [of our rights], now so necessary because the question of the canal is on the international table.

Therefore, and for other reasons which I would mention if this discussion were being held, as is the custom in these cases, in a secret session, I have believed and maintained that the proposed amendment should not be approved by the commission, but the Treaty should be approved in the form in which it was approved by the Colombian Congress.

The President, Senator Román, with the consent of the Honorable Chamber, directed the debate to be continued in a secret session, and ordered the High Official, Mr. Lacayo S. to take precautions regarding the public for the said purpose.

Having ended the debate in a secret session, the report [of the Study Commission] was declared to have been sufficiently discussed. Once voted, it was approved in general and with no amendment whatsoever.

The treaty having also been voted upon in general, it was likewise approved and thus the Project was approved in the first debate.

4°--In response to a motion of the Secretary, Senator Altamirano, the Honorable Chamber agreed to hold a session at three in the afternoon of today.

5°--The session was adjourned.

Signature V. M. Román, President of the Senate, Vicente F. Altamirano, Secretary of the Senate and J. Cajina Mora, Secretary of the Senate.

Annex 200

FULL POWERS GRANTED BY THE PRESIDENT OF NICARAGUA TO THE NICARAGUAN FOREIGN MINISTER, 9 APRIL 1930

(C. Moyano, *El Archipiélago de San Andrés y Providencia, Estudio Histórico - Jurídico a la luz de derecho internacional,* Bogotá, Ed. Temis Librería, 1983, p. 152.)

That having the greatest confidence in the zealousness, enlightenment and probity of Mr. Julián Irías, Minister of Foreign Affairs of my Government, I have come to confer upon him, as I indeed hereby confer, full powers to effect the Exchange of ratifications of the treaty concluded between Colombia and Nicaragua, on 24 March 1928, to put an end to the question pending between both Republics concerning the Archipelago of San Andrés and Providencia and the Nicaraguan Mosquitia. In witness whereof [the President] issues these, signed by his hand, stamped with the Great Seal of the Nation and corroborated by the Minister of Development, entrusted with the Ministry of Foreign Affairs to this effect, in the palace of the executive [branch], at Managua, on 9 April 1930.

The Minister of Development momentarily in charge of the Ministry of Foreign Affairs,	The President of the Republic,
signed, A. Flores V.	signed, J.M. Moncada

Annex 201

1930 REPORT TO CONGRESS BY THE NICARAGUAN FOREIGN MINISTER, CONCERNING THE 1928/1930 TREATY

(*Memoria presentada por el Secretario de Estado en el Despacho de Relaciones Exteriores, Dr. Julián Irías al Congreso Nacional 1930,* Managua, D.N., Imprenta Nacional, 1931, p. 17)

TREATY OF LIMITS WITH COLOMBIA

On 5 May of the current year, His Excellency Mr. Manuel Esguerra, Envoy Extraordinary and Minister Plenipotentiary of Colombia to Nicaragua, and the undersigned, in my capacity as Minister of Foreign Affairs, proceeded to exchange the ratifications of the Treaty of limits concluded with Colombia on 27 [sic] March 1928 in order to put an end to the question pending between both republics concerning the Archipelago of San Andrés and Providencia and the Nicaraguan Mosquitia, Treaty that was approved by law of 5 April of the current year.

In the protocol of exchange, copy of which is enclosed, the declaration indicated in the aforesaid law was made, to the effect that the Archipelago of San Andrés and Providencia, mentioned in the first clause of the referred-to Treaty does not extend west of the 82 Greenwich meridian.

Annex 202

NOTE FROM THE NATIONAL GEOGRAPHIC SOCIETY TO THE COLOMBIAN LEGATION IN WASHINGTON, 11 JUNE 1935

(Archives of the Ministry of Foreign Affairs of Colombia)

Document on page to follow

TELEPHONE
DISTRICT 3330

CABLE ADDRESS
NATGEOSOC.WASHINGTON

National Geographic Society

WASHINGTON, D. C.

GILBERT GROSVENOR, PRESIDENT
JOHN JOY EDSON, TREASURER

JOHN OLIVER LA GORCE, VICE PRESIDENT
GEORGE W. HUTCHISON, SECRETARY

June 11, 1935.

NO REG. 583
RECIBIDA JUN 13 19
CONTESTADA
NOTA NO.

Señor Don Miguel López Pumarejo,
Legation of Colombia,
Hill Building, 839 Seventeenth Street, N.W.,
Washington, D. C.

Dear Sir:

I wish to thank you for your courtesy in sending the map of your country. It will help us in the correct portrayal of this portion of South America.

I also sincerely appreciate your letter of May 27 in which you have set forth so clearly the status of the banks of ~~Serrana,~~ Quita Sueno, and Roncador. We knew that the United States maintained lights on these islands and it appears that we were too hasty in assuming that they were the possessions of this country. We very much regret the error.

As these islands are administered by both countries, would it be agreeable to your country if they were marked on our future maps - "Colombia & U. S."?

Very truly yours,

Albert H. Bumstead

Albert H. Bumstead
Cartographer

Annex 203

DESPATCH N° 145 FROM THE UNITED STATES CONSUL IN KINGSTON TO THE DEPARTMENT OF STATE, 11 SEPTEMBER 1935

(Department of State Archives, 811.0141 C19/114 H-TH. At the National Archives, College Park, MD)

Documents on pages to follow

STRICTLY CONFIDENTIAL

Division of FAR EASTERN AFFAIRS SEP 27 1935 Department of State

DIVISION OF LATIN AMERICAN AFFAIRS SEP 24 1935 DEPARTMENT OF STATE

Office of the Geographer SEP 23 1935 DEPARTMENT OF STATE

SUBJECT: Sovereignty Over Serrana Cays.

HISTORICAL ADVISER SEP 30 1935 DEPT. OF STATE

1—1055 G P O

DIVISION OF COMMUNICATIONS AND RECORDS 1935 SEP 9 AM 10 14 DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

S 11.0141 C19 / 170 96

Referring to my despatch No. 84 of July 2, 1935, on the above subject, I have the honor to report that Vice Consul Oakes of the staff of this Consulate when lunching on board the torpedo destroyer ANTIOQUIA of the Columbian Navy, which with the flagship destroyer CALDAS is visiting Kingston until September 16, incidentally learned from the Commander of the ANTIOQUIA that orders had just been received from the Columbian Government for the two destroyers to "have a look at the Serrana Cays" on the return voyage to Colombia. As the Department is aware the Commander and the greater part of the officers and crew of these Columbian destroyers are British Naval Reservists loaned for three years to the Columbian Navy . Incidentally, they are a splendid bunch of men, and the condition of the ships would be a credit to any navy.

The Captain Tibbetts referred to on page 2 of the despatch under reference recently called on the Consulate to inquire if any decision in connection with the

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able to state that as far as I knew, the information contained in a letter from my predecessor dated August 23, 1934, supplying Captain Tibbetts with the substance of the Department's Instruction of August 11, 1934, File No. 811.0141 C 19/~~96~~ 97, was still in effect.

While I am not certain, I suspect that the intended visit of the Columbian destroyers to Serrana Cays is probably due to the interest of my colleague, the Columbian Consul in Kingston, in the future of these islets and their guano.

Respectfully yours,

George Alexander Armstrong,
American Consul.

801.44
GAA/cma

Annex 204

NOTE FROM THE DEPARTMENT OF STATE TO THE AMERICAN GEOGRAPHICAL SOCIETY, 16 JUNE 1941

(Department of State Archives, 810.014/111. At the National Archives, College Park, MD)

Documents on pages to follow

June 16, 1941

In reply refer to
Ce 810.014

My dear Mr. Hitchcock:

Your letter of June 4, 1941 is received in which you inquire how the nationality of certain islands in the Caribbean should be indicated on the map of the Americas which your Society is making for the Government, by contract with the Office of the Coordinator.

With reference to Serrana Bank, Quita Sueño Bank, and Roncador Cay, there is enclosed a copy of Treaty Series No. 760 1/2 containing an exchange of notes between the United States and Colombia, April 10, 1928. Both Governments have claimed the right of sovereignty over these cays; they have agreed, however, to maintain the status quo with respect to these banks and cays whereby the United States may continue to maintain aids to navigation

Mr. Charles B. Hitchcock,
American Geographical Society,
Broadway at 156th Street,
New York, New York.

810.014/111

PS/RB

DECLASSIFIED
NND 802416
1/7/02

navigation thereon, and Colombian nationals may continue to use the appurtenant waters for the purpose of fishing. It is suggested that, for the purposes of the 1:5,000,000 scale map which you are making, which is to be widely distributed throughout the other American republics, it would appear advisable to omit any indication of sovereignty or national claims in the case of these three banks or cays.

Bajo Nuevo, according to charts and other hydrographic publications, has a low cay which is above the sea level at all stages of the tide. It is barren and composed of sand and broken coral. Although it is reported to be visited by fishing vessels at certain times of the year, no record has been found of any claim in recent decades and it is suggested that the cay be shown without any indication of sovereignty.

Alice Bank and Rosalind Bank, according to available information, are entirely below the sea level at all stages of the tide and there is no land to which sovereignty is applicable.

Swan Islands should be indicated as under the sovereignty of the United States. The United States claims the Islands and they are occupied.

Bird Island (Isla Aves) to which you refer, approximately

DECLASSIFIED
Authority NND 802416

Annex 205

NOTE FROM MR. ENRIQUE ANCÍZAR, LEGAL REPRESENTATIVE OF THE AMERICAN GAS ACCUMULATOR COMPANY, TO THE NAVY GENERAL DIVISION OF THE COLOMBIAN MINISTRY OF WAR, 15 OCTOBER 1944

(Archives of the Colombian Navy)

ENRIQUE ANCIZAR
CARRERA 6a. No. 12-15
BOGOTA - COLOMBIA, S.A.

15 October 1944

Lieutenant
BELARMINO VARGAS MARIÑO
Navy General Division
Ministry of War
The City

Distinguished Lieutenant,

Following up on our meeting of yesterday, where the most pressing needs that the Service of Lighthouses and Buoys of Colombia face today were discussed, as well as the future needs concerning an enlargement of that service, I am pleased to enclose herewith the following folders -to be returned- which you have offered to study on the ground, during your next trip along the coasts of the nation:

FOLDER No. 1

Containing studies on: PACIFIC COAST
(…)

FOLDER No. 2

Containing studies on: ATLANTIC COAST AND ARCHIPELAGO

1 Lighthouse for ISLA CATALINA in Providencia

1 Lighthouse for JOHONY (SIC) CAY in San Andrés.

1 Lighthouse for the SHOALS OF ALBUQUERQUE

1 Lighthouse for QUITA SUEÑO BANK

1 Lighthouse for SERRANA BANK

(…)

FOLDER No. 3

Containing studies on Cartagena and its approaches
(…)

FOLDER No. 4

Containing specific details of RADIO LIGHTHOUSE for:

BOCACHICA
PUNTA GALLINAS
BUENAVENTURA

(…)

I want to express to you that once the world situation goes back to normal, the company that I represent, Messrs. AMERICAN GAS ACCUMULATOR COMPANY, will be willing to finance the execution of any work in their field, to be reimbursed later on under very convenient conditions for the Government, just as we have done it in previous occasions in Cuba, Costa Rica and other countries.

I remain, truly yours,

(signed)
ENRIQUE ANCIZAR

Annex 206

OFFICE MEMORANDUM OF THE DEPARTMENT OF STATE FROM MR. HUSSEY - DRA (DIVISION OF AMERICAN REPUBLICS) TO MR. WRIGHT - ARA (AMERICAN REPUBLIC AFFAIRS), 9 SEPTEMBER 1947

(Department of State Archives, 810.014 C19/9-947. At the National Archives, College Park, MD)

Documents on pages to follow

CONFIDENTIAL

Office Memorandum UNITED STATES GOVERNMENT

DEPARTMENT OF STATE
OFFICE OF AMERICAN REPUBLIC AFFAIRS
SEP 11 1947
DEPUTY DIRECTOR

DEPARTMENT OF STATE
OFFICE OF AMERICAN REPUBLIC AFFAIRS
SEP 15 1947

TO : ARA - Mr. Wright

FROM : DRA - Mr. Hussey

SUBJECT: Quita Sueño, Roncador and Serrana Banks and Keys

Many men leaving the Department after several years' service have written "swan songs". I do not feel that I have any sweeping generalizations which would suggest anything to you and ARA which you do not know. I have, however, for some two years intended to write a careful study upon the subject of this brief memo, and if you wish the study written, DRA will have the papers which I would have used. I wish therefore to leave you a parting suggestion, if no swan song.

Under date of June 20, 1945, I prepared a brief study for Miss Borjes of BC, concerned with the ownership of the banks and keys named. Finding references as I worked, which suggested to me that the United States might not have the good title it claimed, I dug into the archives. The documents so found convinced me that that is the fact. I propose to you therefore, as my contribution toward the implementing of our good neighbor policy, that the United States voluntarily relinquish its claim to these islands in favor of Colombia. Briefly, the facts are (partly by memory here) as follows:

1. These "islands", located one hundred to four hundred miles east of Central America and north of Colombia, are small, none are truly habitable, and none have important economic value. Colombia uses them for temporary fishing bases and gets a certain amount of value from them, from birds' eggs. The United States desires them as sites for a lighthouse and has in fact established two.

2. These islands are claimed by both Colombia and the United States. After forty years of intermittent dispute, in 1928 the two governments agreed upon a joint use of the islands, without settling the claims of ownership.

3. The Colombian title seems to me to be beyond question. If Colombia has the information which should be in its possession, to judge from what is in our own archives I have no doubt it could establish its claim before any reasonable, impartial arbiter or court. The Colombian Government presented a lengthy statement on January 18, 1893, which seems to me as a historian to be a sound basis for its title. It was endorsed by "W.R." to Mr. Adee, saying that he and Mr. Dabney

CONFIDENTIAL

No further action seems desirable at this time. W

811.014C19/9-947
CS/A FILED
811.014/C19/9-947

"concede that those islands cannot be claimed as appertaining to the U.S." Adee replied to Mr. Rockhill on September 11, 1894, not as to substance but as to procedure. For some reason perhaps some change of administration--Colombia does not appear to have followed up the matter. The United States virtually admitted that claim in 1895, by supporting a recommendation from Sweden to Colombia, concerning the islands.

In 1919 the United States made a claim by presidential proclamation. In 1920, the Colombian note of 1893 was seen in the Department by, among others, Dr. Rowe and Mr. Hackworth. They and others felt that it established the Colombian case, but they felt hesitant about going against the presidential order

4. If in the 1920's there was a reason for being delicate about a recent presidential order, that certainly has disappeared at present.

My thought is that in the present state of our Colombian relations, we could probably arrange by friendly discussions to quit claim any rights which we may have had, without reopening past discussions, in return for a Colombian grant of a site for any lighthouses that we feel to be essential. Such action would have no possible ill effects for the United States now, and would be a valuable gesture. It would help to answer the charges being made in interested quarters that our policy is imperialistic. A failure to take it, on the other hand, could eventually lead to the revival of a bitter dispute.

I noted that Bain Davis of NWC, on July 10, 1945 made a comment to this general effect to Miss Borjes.

DRA:RDHussey:AJ

CONFIDENTIAL

Annex 207

OFFICE MEMORANDUM OF THE DEPARTMENT OF STATE FROM MR. WOODWARD, DEPUTY DIRECTOR OF ARA (AMERICAN REPUBLIC AFFAIRS) TO THE FILES, 1 DECEMBER 1947

(Department of State Archives, 810.014. At the National Archives, College Park, MD)

Document on page to follow

Office Memorandum • UNITED STATES GOVERNMEN

File D

OFFICE OF AMERICAN REPUBLIC AFFAIRS
DEC 3 1947

TO : The Files

DATE: December 1,

FROM : ARA - Mr. Woodward

SUBJECT: Recommendation of Dr. Roland Hussey that the United States concede Colombian sovereignty of Quita Sueño, Roncador and Serrana Banks and Keys.

1XR

After a discussion of Dr. Hussey's recommendation, Mr. Daniels made the recommendation that our Government not take the initiative to concede Colombian sovereignty of Quita Sueño, Roncador and Serrana Banks and Keys. Mr. Daniels recommends, however, that we be prepared to concede Colombian sovereignty the next time the Colombian Government makes a request or demand on this subject.

XR 810.014

The reasons for which Mr. Daniels believes that it might be unwise for the United States Government to bring up this subject are:

(1) That this action would be so surprising that the Colombian Government and other observers would be suspicious of our motives, and

(2) That we might, by bringing the subject up, prompt a considerable amount of publicity concerning the controversial background which would result in our receiving further recriminations for having made the concession so belatedly rather than appreciation for having done so at all

This memorandum will, therefore, serve as a recommendation in the file that, when the Colombian Government brings up again the question of sovereignty over these Banks and Keys, our Government should promptly concede Colombian sovereignty over these small points of land once we have obtained clear permission from the Colombian Government to continue to operate the two lighthouses.

I disagree RFW

RFW

Robert F. Woodward

cc: DRA - Mr. Dozer
NWC - Mr. Mills
Mr. Gerberich agree RFW

Mr. Daniels
D

FILED
DEC 19 1947

CONFIDENTIAL

ARA:RFWoodward:has

(any 48)

Annex 208

NOTE DIR.GE/LG FROM THE SWEDISH COMPANY AGA TO THE GENERAL COMMAND OF THE COLOMBIAN NAVY, 4 DECEMBER 1954

(Archives of the Colombian Navy)

AGA SVENSKA AB GASACCUMULATOR

DIR.GE/Lg Dec. 4, 1954

Command of the National Navy
Bogota
Colombia

Dear sirs,

We are pleased to offer you hereby the following materials:

1. For the lighthouse Quita Sueño Bank

[A detailed list of items follows, totaling $ 28.774.30]

Technical data
Operational autonomy: 4 sets 6 months
20 accumulators 12 months
Intensity of the white light: 13.440 cd with Dalen burner of 15 1/h
Optical scope with T = 0.88: 26,3 naut. miles
Luminous features: 0.43 + 9.57 = 10 sec.

2. For the lighthouse Serrana Bank

[A detailed list of items follows, totaling $ 22.333.40]

Technical data
Operational autonomy: 4 sets 6 months
20 accumulators 12 months
Intensity of the white light: 8.600 cd with Dalen burner of 15 1/h
Optical scope with T = 0.88: 24,2 naut. miles
Luminous features: 0.29 + 2.21 + 0.29 + 7.21 = 10 sec.

3. For the lighthouse Roncador Cay

[A detailed list of items follows, totaling $ 11.178.65]

Technical data
Operational autonomy: 17 accumulators 12 months
Intensity of the white light: 1250 cd with Dalen burner of 120 1/h
Optical scope with T = 0.88: 16 naut. miles
Luminous features: 0.5 + 4.5 = 5 sec.

(…)

All the prices are in U.S. Dollars CIF port in Colombia, with the exception of the buoys, whose price are CIF Cartagena.

(…)

We hope to hear from you in the near future and remain, truly yours,

(signed)
SVENSKA AKTIEBOLAGET GASACCUMULATOR
Dep.3

Annex 209

NOTE FROM THE ASSISTANT LEGAL ADVISER OF THE DEPARTMENT OF STATE TO MR. W.R. CRIPPEN, JR., 2 MARCH 1965

(Department of State Archives, POL 32-1 COL-US. At the National Archives, College Park, MD)

Document on page to follow

DECLASSIFIED
Authority NND 959000
By PT NARA Date 11/7/03

L/ARA

March 2, 1965

Dear Mr. Crippen:

I have for further reply your letter of January 6, 1965, addressed to the Commandant of the Coast Guard concerning possible fishing operations in the vicinities of Serraña, Serranilla, Rosalind and Quito Sueno Banks in the Caribbean Sea.

We are enclosing brief descriptions of the Serraña, Serranilla and Quito Sueno Banks. As to your plans to fish near these banks, I regret to state that inasmuch as they are claimed by both the United States and Colombia, this Government can, of course, give no assurance that your activities near these banks may not be interfered with by authorities of Colombia. If, however, you will provide the Department with more definite information as to the nature and scope of your interests in the waters near these banks and the estimated time you would be active therein, we will be pleased to inform the Government of Colombia.

As to the Rosalind Bank, this shoal is described by the United States Navy Hydrographic Office as being an extensive bank with general depths of 10 to 20 fathoms and one ledge with portions within 4 fathoms of the surface. The formation is apparently underwater even at low tide.

Sincerely yours,

Marjorie M. Whiteman
Assistant Legal Adviser

Enclosures:

Descriptive Memoranda

by [illegible]

Mr. W. R. Crippen, Jr.,
1314 Florida Avenue,
Corpus Christi, Texas.

L:L/ARA:BTHalloran:lml 3-2-65 Clearance: ARA/CV- Mr. Lord

BTH

..-65

POL 32-1 COL-45

Annex 210

NOTE FROM THE ASSISTANT LEGAL ADVISER OF THE DEPARTMENT OF STATE TO MR. W.R. CRIPPEN, JR., 13 APRIL 1965

(Department of State Archives, POL 32-1 COL-US. At the National Archives, College Park, MD)

Document on page to follow

PRODUCED AT THE NATIONAL ARCHIVES

DECLASSIFIED
Authority NND 959000
By PT NARA Date 11/7/03

April 13, 1965

Dear Mr. Crippen:

I have received your letter of March 10, 1965, concerning your interest in fishing in the vicinities of Serranilla, Serrana and Quito Sueno banks.

In order to supply the Colombian Government with all the information it might find useful, we will require further details such as the size and numbers of boats you would be operating around the banks and the periods during each of the five years you propose to operate.

Sincerely yours,

Marjorie M. Whiteman
Assistant Legal Adviser

Mr. W. R. Crippen, Jr.,
1318 Florida Avenue,
Corpus Christi, Texas.

L:L/ARA:BTHalloran:lbd:lml
4-8-65

Clearance: U/FW - Mr. Taylor
ARA/CV - Mr. Lord

Annex 211

NOTE FROM THE ASSISTANT LEGAL ADVISER OF THE DEPARTMENT OF STATE TO MR. W.R. CRIPPEN, JR., 12 OCTOBER 1965

(Department of State Archives, POL 32-1 COL-US. At the National Archives, College Park, MD)

Document on page to follow

DECLASSIFIED
Authority NND 95900
By RT NARA Date 11/1/03

RM/R

October 12, 1965

Dear Mr. Crippen:

Thank you for your letter of September 28, 1965 concerning your proposed lobster operation on the banks of Serranilla, Serrana and Quito Sueno in the Caribbean. Miss Whiteman, who had handled this matter previously, has assumed new responsibilities in the Department, and I have taken over the questions which she handled earlier.

We have had a communication from our Embassy in Bogota indicating that it had informally raised this matter with the Colombian Government. The Embassy reports that it was informed orally by the Secretary General of the Ministry of Foreign Relations that you may begin lobstering operations in the area of Serranilla, Serrana and Quito Sueno whenever you wish. According to the Embassy, the Secretary General implied but did not actually say that the Colombian Navy had been advised of this project. The Secretary General apparently stated that if any administrative difficulties arose, you should get in touch directly with the Colombian Navy and attempt to reach an understanding with appropriate Navy officials. Of course, it is the Colombian Navy which has patrol and related duties in the areas of concern to you.

In order to avoid possible difficulties, it may, therefore, be advisable for you to get in touch with Colombian Navy officials before undertaking your proposed lobstering operations.

POL 32-1 COL - US

Sincerely yours,

CFS

Carl F. Salans
Assistant Legal Adviser

Mr. W. R. Crippen, Jr.,
395 Holman Road,
Cape Canaveral Florida

L:L/ARA:CFSalans:gb CFS

ARA/CV - Mr. Lord

Annex 212

CABLE FROM THE UNITED STATES EMBASSY IN BOGOTÁ TO THE DEPARTMENT OF STATE, 10 MAY 1967

(Department of State Archives, POL 33-1 COL-US. At the National Archives, College Park, MD)

Document on page to follow

(6) POL 33-1 COL-US

INCOMING TELEGRAM *Department of State*

Bogota 4572

LIMITED OFFICIAL USE

Action SFW

Info L H ARA P USIA INR CIA NSA DOD E AGR COM DOT INT TRSY RSR

NNNVZCZCESA560EXX036MVV BGA243
FR RUEHC
DE RUESBG 4572 1302305
ZNY CCCCC
R 102255Z MAY 67
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC
INFO RUESKN/AMEMBASSY KINGSTON
STATE GRNC
BT

010236

1967 MAY 10 PM 10 14

LIMITED OFFICIAL USE BOGOTA 4572

SUBJECT: FISHING

1. EMBASSY RECEIVED PHONE CALL MAY 4 FROM W. R. CRIPPEN, SEA FOOD, INC., 395 HOLMAN ROAD, CAPE CANAVERAL, FLORIDA, WHO STATED JAMAICAN FISHING BOAT CONTRACTED TO HIS COMPANY WAS INTERCEPTED BY COLOMBIAN DESTROYER MAY 2 AND TOLD FISHING ACTIVITIES MUST BE SUSPENDED BY MAY 7. EMBASSY BELIEVES FISHING BOAT STOPPED NEAR SERRANO BANK, ALTHOUGH CRIPPEN NOT PRECISE. CRIPPEN CLAIMED TO HAVE FISHING PERMIT ISSUED BY VICE-ADMIRAL ORLANDO LEMAIRITRE TORRES OF COLOMBIAN NAVY GIVING PERMISSION TO FISH AT SOME KEYS IN CARRIBEAN WATERS WHICH ARE UNDER COLOMBIAN JURISDICTION. EMBASSY CHECK WITH BOGOTA OFFICIALS REVEALS NO INFORMATION TO VERIFY REPORTED INDICENT. HOWEVER, DIRECTOR OF LOCAL FISHING OFFICE IN MINISTRY OF AGRICULTURE REVEALED THAT ORDER RECENTLY GIVEN TO COLOMBIAN NAVY TO INTERCEPT JAMAICAN FISHING BOATS REPORTEDLY WORKING OFF COLOMBIAN KEYS IN CARRIBEAN.

2. ACCORDING TO AGRICULTURE MINISTRY, JAMAICAN GOVERNMENT HAS BEEN APPLYING IN RECENT MONTHS TO FISH IN COLOMBIAN WATERS BUT THAT COLOMBIAN GOVERNMENT HAS THUS FAR DENIED ALL REQUESTS. FISHING OFFICIAL REPORTED JAMAICAN GOVERNMENT CLAIMS NEED EXPLOIT COLOMBIAN WATERS BECAUSE OF "STARVATION" IN JAMAICA. SITUATION APPARENTLY COMPLICATED BY CONSTRUCTION OF CERTAIN STRUCTURES ON SERRANO BANK BY JAMAICAN FISHERMEN.

(1) 3. EMBASSY REQUESTS DEPARTMENT CHECK WITH CRIPPEN FOR MORE INFORMATION CONCERNING REPORTED INCIDENT. NOTE THAT FISHING LICENSES ISSUED THROUGH MINISTRY OF AGRICULTURE AND NOT COLOMBIAN NAVY. REPORT FROM CRIPPEN DID NOT MENTION NAME OF VESSEL OR LOCATION.
CARLSON

LIMITED OFFICIAL USE

DECLASSIFIED
Authority NND 969000
By NARA Date 9/30/

Annex 213

CABLE FROM THE DEPARTMENT OF STATE TO THE UNITED STATES EMBASSY IN BOGOTÁ, 16 MAY 1967

(Department of State Archives, POL 33-1 COL-US. At the National Archives, College Park, MD)

Documents on pages to follow

OUTGOING TELEGRAM **Department of State**

INDICATE: ☐ COLLECT ☐ CHARGE TO

LIMITED OFFICIAL USE
Classification

MAY 16 10 15 AM '67

Origin

Info

ACTION: Amembassy BOGOTA

INFO: Amembassy KINGSTON

STATE 195008

SUBJECT: Fishing

REF: Bogota 4572, 4525; A-100 of August 28, 1965

1. W. R. Crippen, Seafoods, Inc., has terminated fishing operations of Jamaican contractor in waters off Serranilla, Serrana and Quito Sueno pending his decision whether apply for new license and employ US vessels.

2. Crippen's license to fish (copy pouched separately) granted in letter from Vice-Admiral Orlando Lemaitre Torres of Colombian Navy dated July 8, 1966, Colombian File No. 05372/COMDEARC-DMMC-525. ~~XXXXXXX~~ License "recommends" Seafoods' vessels not fish within 12 miles of the Islands.

3. Crippen now asks if Department could obtain permission for Jamaican contractor, Mrs. Marie Sampson, to return to island waters in order retrieve canoes and traps left there after hurried departure. Evacuation operation will require a

~~XXXXXXX~~

3

Drafted by: L:L/ARA:AHBrenman:jh 5/15/67 | Tel Ext 5969 | Telegraph transmission and classifica approved by: L/ARA - R. A. Frank

S/FW:Van Campen AHB ARA/NC:Bonnell AHB

LIMITED OFFICIAL USE
Classification

FORM A-55 DS-322

DECLASSIFIED
Authority NND 969000
By NARA Date 9/30

number of roundtrips and may last as long as 30 days. Crippen states no fishing would take place during retrieval although they may wish keep fish presently in traps.

4. Request you contact Colombian Navy office and attempt obtain permission for retrieval equipment.

END.

RUSK

DECLASSIFIED
Authority NND 969000
By NT NARA Date 9/30

Annex 214

NOTE E.O. 11652N/A, FROM THE UNITED STATES EMBASSY IN BOGOTÁ TO THE DEPARTMENT OF STATE, 25 MAY 1973

(Department of State Archives, POL 33-4 COL-US. At the National Archives, College Park, MD)

Documents on pages to follow

POL 33-4 Col-US

Department of State **TELEGRAM**

47

LIMITED OFFICIAL USE 727

PAGE 01 BOGOTA 04319 252038Z

13
ACTION COA-02

INFO OCT-01 ARA-11 ADP-00 SCS-03 L-03 EB-11 SCA-01 H-02
INR-10 PRS-01 CG-00 RSR-01 /046 W
042650

R 251912Z MAY 73
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC 7637
INFO AMEMBASSY MEXICO
USCINCSO CZ

Bogota 4319 5.25.73

LIMITED OFFICIAL USE BOGOTA 4319

E.O. 11652: N/A
TAGS: EFIS, CO
SUBJECT: REPORTED HARASSMENT OF U.S. VESSELS AT SERRANA BANK

CINCSO FOR POLAD

MEXICO FOR REGIONAL FISHERIES ATTACHE

REF: STATE 063135 POL 33-4 Col-US

1. UPON RECEIPT OF THE TELEGRAM INFORMING US OF THE INCIDENT INVOLVING THREE U.S. FISHING VESSELS, THE TAMPICO, SWAN ISLAND AND YUCATAN, WE SENT A NOTE OF PROTEST TO THE MINISTRY OF FOREIGN RELATIONS. THE MINISTRY REPLIED ON MAY 9, ACKNOWLEDGING THAT THE INCIDENT DID IN FACT TAKE PLACE, BUT ON MAR 24, RATHER THAN MAR 30, AS REPORTED BY THE DEPT.

2. THE MINISTRY'S VERSION OF THE INCIDENT FOLLOWS: A COLOMBIAN PATROL BOAT SIGHTED THREE FISHING VESSELS NEAR SERRANA BANK AND HEADED FOR THEM. THEY PULLED ANCHORS AND FLED. IN ASMUCH AS NONE WAS FLYING COLORS, THE COLOMBIAN VESSEL SIGNALLED THEM TO STOP. WHEN THEY DID NOT DO SO SHOTS WERE FIRED ACROSS THEIR BOWS. AS THE COLOMBIANS APPROACHED, THE VESSELS HOISTED U.S. FLAGS. THE COLOMBIAN CAPTAIN NEVERTHELESS SENT A BOARDING PARTY ABOARD TO TAKE PICTURES AND ADVISE THE FISHERMEN TO FLY THEIR COLORS

LIMITED OFFICIAL USE

FORM DS-1652

DECLASSIFIED
Authority NND969035
By NARA Date 11/21

Department of State **TELEGRAM**

LIMITED OFFICIAL USE

PAGE 02 BOGOTA 04319 252038Z

WHILE FISHING IN COLOMBIAN WATERS. DAMAGE TO THE TAMPICO WAS BLAMED ON THE TAMPICO'S CAPTAIN.

3. THE FOREIGN MINISTRY STATES THAT IT HAS RECEIVED A FULL REPORT FROM THE MINISTER OF DEFENSE, IN WHICH ASSURANCES ARE GIVEN THAT ALL CAPTAINS SENT ON PATROL IN THAT AREA ARE WELL INFORMED OF U.S. FISHING RIGHTS AND INTERNATIONAL PROCEDURES FOR IDENTIFICATION OF VESSELS AT SEA. THE MINISTRY'S NOTE GOES ON TO SAY THAT THE INCIDENT AROSE OUT OF THE FISHING VESSELS' FAILURE TO IDENTIFY THEMSELVES AND NOT OUT OF ANY INTENTION TO DENY RIGHTS AGREED TO BETWEEN THE TWO NATIONS. THE MINISTRY CLOSES BY STATING THAT INASMUCH AS COLOMBIA, TOO, WISHES TO AVOID INCIDENTS OF THIS NATURE, AMERICAN FISHING VESSELS SHOULD FLY THEIR COLORS AND ALLOW THEMSELVES TO BE IDENTIFIED. ALSO, IT WAS SUGGESTED THAT U.S. FISHING VESSELS REGISTER WITH THE CAPTAIN OF THE PORT OF SAN ANDRES BEFORE PROCEEDING TO THE BANKS. THIS WAS ONLY A SUGGESTION AND WE DO NOT BELIEVE IT WOULD BE IN THE INTEREST OF OUR FISHERMEN TO COMPLY.

4. UNLESS INSTRUCTED TO THE CONTRARY, THE EMBASSY WILL CONSIDER THE MATTER CLOSED. WE ARE POUCHING COPIES OF THE NOTES.
SACCIO

LIMITED OFFICIAL USE

FORM -- ----

DECLASSIFIED
Authority NND96903
By NARA Date 11/8

Annex 215

BACKGROUND OF THE DECLARATION OF NULLITY AND INVALIDITY OF THE BÁRCENAS MENESES-ESGUERRA TREATY, 4 FEBRUARY 1980

(Nicaraguan Foreign Ministry, 1980)

Foreign Ministry

White Paper
On the Case of San Andrés and Providencia

Managua, 4th February 1980

INTRODUCTION

THE "NICARAGUAN ELEVATION" OR "NICARAGUAN RISE"
In the maps of the "National Geographic Institute", as well as in the "Tectonic Map of the United States Geodesic Service", and in the same way it is shown in other maps, or as authors Avdeev and Belouseev put it, referring to the geomorphological structure of the Caribbean Sea, with the name of "NICARAGUAN ELEVATION" or "NICARAGUAN RISE" is identified the system of submarine crests which shape the bottoms of the Caribbean Sea.

This "NICARAGUAN ELEVATION" is located between two deep basins, Yucatan's to the North, and the Colombian basin to the South. The latter basin, with a breadth of hundreds of nautical miles, has a clearly defined abyssal bottom, forming an enormous abyss that separates the submarine territories of Nicaragua and Colombia. Observing the map with the sea bottoms of the Caribbean Sea, we can ascertain at first glance that Colombia's statement that it shares with Nicaragua a "COMMON CONTINENTAL PLATFORM" is an obvious distortion of the geomorphological reality of the marine bottoms in the Caribbean Sea. It is easy to verify that, in the same way that between Colombia and Nicaragua are inserted the Republics of Panama and Costa Rica, between both nations exist an enormous marine trough that separates the submerged territories of Nicaragua and Colombia, as if they were two separate and different Continents.

From within this 'NICARAGUAN RISE' emerge a series of islands, islets, cays and banks, the same way mountains, peaks, mountain ranges and volcanoes rise from the continental mass of a State. Elevations or geographical features of the 'Nicaraguan Rise' are the island of San Andrés, located only one hundred and five nautical miles off the Atlantic Coast of Nicaragua and three hundred and fifty-six nautical miles off Colombia;

the island of Providencia, one hundred and twenty-three and three hundred and eighty miles off, respectively, not to mention the cays of Roncador, Quitasueño and Serrana, which are located one hundred and forty and two hundred and ten miles off Nicaragua, and around five hundred miles off the Colombian coasts.

Hence, in geographical terms, there is no doubt that all those territories are an integral part of Nicaragua's Continental Shelf, which is the submarine extension of its main or continental territory, or as it has been already defined, the formations we refer to 'are one with the Central American continental mass, undoubtedly attached -geographically and geomorphologically- to Nicaragua's Atlantic or Caribbean Coast.

Annex 216

LETTER FROM THE FISHING COMPANY *EMPACADORA DE CASTILLA S.A. DE C.V.* TO THE COLOMBIAN FOREIGN MINISTRY, 22 SEPTEMBER 1980

(Archives of the Ministry of Foreign Affairs of Colombia)

EMPACADORA DE CASTILLA S.A. DE C.V.
APARTADO 938
TEGUCIGALPA - HONDURAS

Bogotá, D.E., 22 September 1980

Mr.
JULIO LONDOÑO PAREDES
Secretary-General
MINISTRY OF FOREIGN AFFAIRS
Bogotá, D.E.

Mr. Secretary-General:

Following the advice of doctor José Joaquín Caicedo Perdomo I kindly allow myself to express to you that I have the intention of creating in Colombia a Partnership of Colombian Nationality with the aim of fishing in the Maritime Zones appertaining to the Colombian Archipelago of San Andrés and Providencia, particularly in the Zone of the Cays of Roncador, Quitasueño, Serrana and Serranilla.

This company would be established in the following days in conformity with the respective current laws, as well as the provisions of the Decisions of the Cartagena Agreement Commission incorporated to the Colombian Internal Law, by means of Decree number 170 of 1977. Since the capital given by the Honduran Partnership would not be higher than twenty per cent of this Company's Share Capital and the eighty per cent would be provided by National Investors, this new Partnership would have Colombian Nationality in all legal aspects.

Furthermore I allow myself to inform that I would be willing to nationalize four fishing vessels and place them under Colombian flag. Eight vessels would continue to fish under an affiliation contract with this new Partnership and their nationalization would be made

on a step by step basis within the period of five years indicated by Decree number 1681 of 1978.

These vessels would be assigned to lobster fishing, white and conch fishing outside the Areas designated by the National Government for Traditional Fishing, reason why the establishment of this Partnership would benefit the Republic of Colombia and more specifically the Islands of San Andrés and Providencia, where we would have our Headquarters.

I thank you in advance for the attention that you may give to the establishment of this new Entity, and I avail myself of the opportunity to express to you my respectful regards.

EMPACADORA DE CASTILLA S.A. DE C.V.
T. RAMIREZ DE ARELLANO

Annex 217

STATEMENT GIVEN BY MR. GONZALO J. FACIO, COSTA RICAN SIGNATORY OF THE 1977 TREATY WITH COLOMBIA AND FORMER FOREIGN MINISTER, AT THE COSTA RICAN FOREIGN MINISTRY, 27 AUGUST 1998

(Archives of the Colombian Embassy in San José, Costa Rica)

Conference of Ambassador Gonzalo J. Facio (former Foreign Minister), addressed to the Diplomatic Corps in Costa Rica.

Casa Amarilla, seat of the Costa Rican Foreign Ministry, at 09:00 hrs., on 27 August 1998.

"The 'Fernández-Facio' Treaty of 1977 on Delimitation of Maritime Areas between Colombia and Costa Rica in the Atlantic Ocean, and Nicaragua's purported sovereignty over the Archipelago of San Andrés and Providencia"

Mr. Foreign Minister

(…)

I do not believe that the Government of President Aleman will dare to repeat now the main argument that the Sandinistas used to declare, unilaterally, the nullity of a duly concluded bilateral treaty, such as the Bárcenas-Esguerra Treaty, on the basis that the United States forced "the puppet government at the time" to cede to Colombia the purported rights of sovereignty over the Archipelago of San Andrés that Nicaragua has never had.

In any case, the nullity of a treaty cannot be declared unilaterally, just as there is no way to unilaterally annul any kind of contract, public or private, duly concluded by the parties. To achieve the nullification of the Bárcenas-Esguerra Nicaragua would have to resort to the International Court of Justice, or to an arbitral or world tribunal to request it to declare that nullity provided of course, that the Colombian counterpart is heard. Due to the reasons I have explained, I do not believe that Nicaragua would have had or has the slightest possibility of succeeding in its attempt to properly nullify the Bárcenas-Esguerra Treaty.

In view of the above, there is no reason whatsoever why the Legislative Assembly should not approve the 'Fernández-Facio' Treaty that duly delimited the maritime

boundaries in the Atlantic Ocean between the Republics of Colombia and Costa Rica, on the premise that the San Andrés Archipelago belonged to Colombia.

Nor should our Legislative Assembly refrain from granting its approval of the "Fernández-Facio" Treaty of 1977, because the Government of Nicaragua, that violates our rights to free navigation on the San Juan River, holds that such an approval would constitute a violation of its invented and non-existent sovereignty over the Archipelago of San Andrés.

On the other hand, to declare, unilaterally, the nullity of a Treaty, arguing that it is the result of the United State's imposition (that was and is a third party with respect to that Treaty), or else, to argue that such a Treaty is contrary to the Nicaraguan Constitution in force at the time of its signature and ratification, has no effect whatsoever, either for the international community or -much less- for Colombia.

That republic has no reason to abide by the statement of the Nicaraguan Government, declaring the nullity of a valid treaty and, with or without it, Colombia will continue to exercise the sovereignty it has always exercised over the San Andrés Archipelago, for over a century prior to the recognition of that legal fact by the Government of Nicaragua by the "Bárcenas-Esguerra" Treaty.

Consequently, the Government of Nicaragua cannot reproach us with anything since, on signing the Fernández-Facio Treaty of 1977, we acted in accordance with the existing legal situation that has the San Andrés Archipelago as an integral part of the Colombian territory.

Annex 218

CERTIFICATION N° SGN/031075 ISSUED BY THE SERVICE DE GÉODÉSIE ET DE NIVELLEMENT OF THE INSTITUT GÉOGRAPHIQUE NATIONAL OF FRANCE, 12 NOVEMBER 2003

(Archives of the Ministry of Foreign Affairs of Colombia)

National Geographic Institute

Saint-Mandé, 12/11/03

SGN/031075

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The S.G.N.
To
Colombian Embassy
Mr. Ambassador Miguel Gomez Martinez
22, rue de l'Elysée
75008 - Paris

Subject: Position of the Paris meridian

Ref: Your letter No. MGM/PL/2154 of 23/10/03

Following our last week's interview, I have the honor to transmit to you the official response of the Geodesic and Leveling Service of the IGN, regarding the problem posed by the longitudes measured in reference to the Paris meridian.

Without any other indication, meridian 84º30'W is generally the meridian that presents a difference of longitude of 84º30'W with Greenwich. It passes much further to the West than Colombia's land territory. If your meridian refers to the Paris meridian, you should retreat 2º20'14", 025 (to the East), and the place passes now at 82º09'45", 975 W of Greenwich. It is situated in the Caribbean Sea, between the Nicaraguan coast (approximately 83ºW) and the Colombian islands of San Andres (approximately 81º42'W) and

Providencia. This corresponds to respective distances of 50 Km approximately to the West of San Andrés and 75 Km approximately to the East of the Nicaraguan islands.

On the other hand, the coordinates, no matter which, coming from works of the beginning of the XX century may have changed by a few meters or decameters for several reasons, and by decreasing order of priority:

- Change of 'datum' or geodesic reference system.
- Modes of acquisition and tools for much more precise current calculations.
- Movements of the Earth's crust.

I am at your disposal for any additional information and renew to you, Mr. Ambassador, the assurances of my distinguished esteem.

The Chief of the Geodesic and Leveling Service
F. DUQUENNE

Copies:

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Souche