

The Executive Branch
Executive Decree Number PCM-017-2000
28 August 2000(1)

The President of the Republic, in a session of the Council of Ministers

Whereas:

Historically, in the delimitation of its boundaries with neighbouring countries, Honduras has always acted in accordance with the standards of international law, scrupulously respecting and complying with treaties, arbitral awards and legal decisions, and rejecting procedures supported by any force other than that of the law. As a result, Honduras has repudiated and will continue to repudiate any unilateral, coercive procedure; Executive Decree No. PCM-007-2000 of 21 March 2000, issued in accordance with article 7 of the United Nations Convention on the Law of the Sea, established the straight baselines of the Republic in the Caribbean Sea and the Pacific Ocean, as an internal norm identifying the baselines from which its own maritime spaces are delimited;

The Law of the Sea Convention, to which Honduras and six of its neighbours bordering on the Caribbean Sea are parties, entered into force on 16 November 1994, and is now the fundamental norm applicable to this subject;

The pertinent part of article 12(1) and (2) of the Law on the Maritime Spaces of Honduras stipulates that the maritime spaces of Honduras "with its neighbouring countries shall be delimited by agreements between them on the basis of international law," and that such agreements must arrive at "an equitable solution". Consequently, the straight baselines established in the Honduran law are simply one factor to be taken into account in any negotiating process with neighbouring States;

The above notwithstanding, the issuance of the above-mentioned Executive Decree establishing the straight baselines of the Republic has caused concern and misunderstandings on the part of some neighbouring Governments, in terms of the meaning and scope of said baselines;

Now, therefore,

In exercise of the powers vested in the President under articles 245(1), (2), and (11) and 252 of the Constitution of the Republic; articles 11, 17, 22(9), (10), (116), and (117) of the General Law on Public Administration; and article 16(1) of the Law on the Maritime Spaces of Honduras,

Hereby Decrees:

Article 1

The State of Honduras does not, under Decree No. PCM-007-2000, establish any unilateral maritime claims, or any restriction to international maritime navigation, and [said decree] shall be interpreted in accordance with international law.

Article 2

With regard to Central American integration, the Law on the Maritime Spaces of Honduras is a framework law; it is flexible and was issued for the purpose of ensuring regional maritime cooperation and good-neighbourliness. Article 13 thereof states that: "In those maritime areas where Honduras has common interests with its neighbours in terms of protecting the environment and the ecosystem; the sustainable production of specific species or resources; or the shared use of such areas for scientific purposes or for purposes relating to tourism or economic development, the provisions of said Law may be amended by international agreement between the countries involved, in order to achieve greater protection or rational use of the environment."

Article 3

The Republic of Honduras, together with the other States parties to the United Nations Convention on the Law of the Sea, are inspired "by the desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea, and aware of the historic significance of this Convention as an important contribution to the maintenance of peace, justice, and progress for all the peoples of the world (from the preamble to the Convention).

Article 4

When the outer or lateral boundary of Honduran maritime spaces is to be delimited with a neighbouring State, in accordance with article 12 of the Law on the Maritime Spaces of Honduras, said boundary shall be delimited by means of an agreement concluded on the basis of international law, as set forth in Article 38 of the Statute of the International Court of Justice, in such a way that an equitable solution is reached.

Article 5

In the Gulf of Fonseca, the straight baseline referred to in article 3(3) of the Law on the Maritime Spaces of Honduras, and in article 1(B) of Executive Decree No. PCM-007-2000, shall be drawn as shown on the attached map.

Article 6

With a view to fulfilling the great objectives of peace, regional integration, mutual understanding and cooperation in achieving the full development and progress of the Central American peoples, and within the framework of international law, the applicability of Decree No. PCM-007-2000 is hereby deferred, on an exceptional basis, for the reasonable period of time required for consultations on this subject, to the benefit of Central American integration and in order for legitimate concerns, duly supported by international law, to be taken into consideration. This temporary and exceptional deferment shall not apply with respect to legal situations involving those maritime spaces that have been decided upon by the International Court of Justice and to which Honduras was a party, or to maritime disputes submitted to the Court and to which Honduras is a party.

Article 7

This Decree shall be implemented immediately and is to be published in La Gaceta, the Official Gazette. Given at the Presidential Residence, Tegucigalpa, Central District, on 28 August 2000.

To be reported and published.

Carlos R. Flores F.
President of the Republic
Enrique Flores Valeriano
Minister of Government and Justice

Endnotes

1 (Note - Note)

La Gaceta, Tegucigalpa, No. 29,295, 7 October 2000; translation into English by the United States Department of State (Limits in the Seas, No. 124, 28 June 2001)

Map not included