

10-19-2006

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## Recommended Citation

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## **Tiny Island, Big Consequences For Honduras And El Salvador**

*by LADB Staff*

*Category/Department: El Salvador Honduras*

*Published: 2006-10-19*

Isla Conejo is a tiny island in the Gulf of Fonseca. The little island, scarcely 600 meters off the shore of Honduras and measuring no more than 1,000 sq meters, could hardly be less imposing. But for El Salvador and Honduras its strategic value belies its size. It has been the subject of a territorial battle between the two states for many years, a battle that has brought the International Court of Justice (ICJ) and the Organization of American States (OAS) into the fray.

At stake for Honduras is access to the Pacific for El Salvador, the security of one of its main ports. In 1992, the ICJ ruled on the delimitation of bolsones (see NotiCen, 2002-09-19), disputed areas between El Salvador and Honduras, but the ruling failed to identify Conejo specifically. The court ruled again in 2003, but still insufficiently to resolve the conflict, even with the intervention of the OAS. All the while, the countries have been in negotiations, sometimes intense, sometimes on a back burner.

"The court overstepped, demarcated zones that hadn't been in dispute by any of the parties," said El Salvador's Foreign Minister Maria Eugenia Brizuela in July. The court ruling may have made matters worse, because without ceding Honduras the island, it did affirm the country's right to access to the Pacific, thereby bringing Nicaragua into the situation.

Nicaragua also claims parts of the Gulf of Fonseca, but prior to the ruling had no part in the conflict. The countries will have to tread lightly in this dispute; they have gone to war for less, and they could upset the balance of powers a world away. Honduras nevertheless has treated the island as its own, and has placed it under the protective guard of four soldiers, each with a rifle, who occupy a little tin shack at the high point on the island, about five stories above the sea. The four soldiers with their M-16s posed little enough threat to the territorial integrity of El Salvador that all went well until Honduran newspaper El Heraldo noticed on Oct. 9 that the Libro Blanco de la Defensa Nacional de El Salvador includes the island as Salvadoran territory, and so seals the Honduran exit to the Pacific.

The news failed to stir much interest at first, because President Manuel Zelaya was in Taiwan at the time, but upon his return home, Conejos became a major issue, as El Heraldo continued to stir the waters. The paper had already contacted El Salvador's Ambassador to Honduras Sigifredo Ochoa and asked him why the island is included in the Libro Blanco. "For us, we consider Conejo as part of our territory and therefore it is in the Libro Blanco," came the reply. Ochoa acknowledged that no Salvadorans live on the island and that there is a Honduran military presence. At that point, he Honduran government protested to El Salvador.

*It's ours. No, it's ours*

Next to assert Salvadoran sovereignty was President Antonio Saca. "It's totally clear," he said. "Conejo Island is Salvadoran. The government of El Salvador reiterates before the international community and, especially to the government of Honduras, the disposition we have that all differences be resolved in conformity with international law, and through dialogue, to achieve agreements for both parties."

It was just as clear to Zelaya that Conejo belongs to Honduras. He said that both countries "have accepted the decision of the International Court of Justice in The Hague and remembered that [the court] determined overwhelmingly the right of Honduras to the Pacific Ocean, to the oceanic territory, to the exclusive economic zone, and the rights over the continental sea. All these rights give us sovereignty over the control of the Gulf of Fonseca that is demarcated for Nicaragua, El Salvador, and Honduras what is recognized as use, possession, and jurisdiction. About this concept of use, possession, and sovereignty of Honduras over Conejo Island, there is no place for doubt. It is an arbitrated fact, and the island belongs to the Republic of Honduras."

It is clear to both presidents that some solution that preserves good relations between the countries is called for. Zelaya said that both are committed to international law and to resolution through diplomacy. "The means we use are peaceful, considered within the concept that the borders serve us a meeting point and of unity." He said that the fanning of flames in the media had already begun and would not contribute to a solution. "The best thing is not to try to encourage this and open wounds unnecessarily between the two countries; I ask the cooperation of the Honduran and the Salvadoran press not to offer personal opinions, and President Saca has spoken saying that it is [to be solved] through diplomatic means. We have said that it is the best way to resolve any kind of difference we have about this."

Both presidents have agreed on one-on-one talks between the countries. Saca has said, as Zelaya noted, that he is inclined to deal with the matter bilaterally. The problem is that, while both have chosen the path of negotiation, each asserts with equal fervor that Conejo belongs to his country. Decisions favor Honduras, says Honduras Carlos Lopez Contreras was Honduras's agent before the ICJ. He agrees with Zelaya that the court has found more than once that the island belongs to Honduras. He said that, as early as 1987, when the countries originally presented documents supporting their land, island, and maritime boundary claims, El Salvador affirmed that all the islands were in controversy, except for Zacate Grande, which it recognized as belonging to Honduras. Honduras' documentation claimed that only Meanguera, Meanquerita, and El Tigre were in dispute.

The court took the position at that time that, said Lopez, "only El Tigre and Meanguera were in dispute, all the others did not constitute a dispute, and, in consequence, the islands remained in the possession of the countries of their sovereigns." That meant, he explained, that Conejo belongs to Honduras since Honduras held sovereignty over it for more than a century.

That decision further ratifies Honduras' claim to the island in establishing that each of the countries with banks on the Gulf of Fonseca has sovereignty extending three nautical miles out from their shores. "In this case, Conejo is 600 meters from the coast, that is much before the limit of Honduran

sovereignty of three miles, so that here the sentence again ratifies that Conejo is Honduras'," he said, pointing out further that El Salvador's sovereignty limit is far from Conejo.

The third ratification of the Honduran claim came, argues Lopez, in 2002, when El Salvador presented its petition claiming the estuary of the Goascaran River, with an appendix claiming Conejo, which is just in front of it. "If that had occurred, very probably Conejo would have gone with the coast, but the petition was not accepted, it did not enter into judgment, and Conejo continues being Honduran by its proximity [to the coast]. Therefore, he concludes, "Judicially there is nothing to negotiate or discuss because it was resolved by the court in its original sentence and again in its decision on the petition of revision." Besides all that, there is the practical matter that when the tide is out, says the jurist, you can walk to Conejo from Honduran shores without getting your feet wet.

Lopez also makes the point that, regardless of the law as he interprets it, along with the fact that Honduras must defend its rights in the case to preserve its access to the sea, the countries together cannot afford a battle that would have a negative effect on regional integration. In the wider world, nobody wants to talk to these countries individually, he cautioned.

For the moment, all is well between the countries of the isthmus as they seek commonalities with which to confront the competitive demands of global commerce. But these countries have had their moments of hostility, and might some day have them again. The little island was, during the civil war in El Salvador (1980-1992), used by the Honduran military to keep an eye on guerrilla movements into the country and prevent Honduran territory from being used for arms traffic.

On July 14, 1969, the two countries went to war for about 100 hours in what has come to be called the Soccer War. The Salvadoran Air Force attacked targets inside Honduras and the Salvadoran Army launched major offensives along the road connecting the countries and on the Honduran islands in the Gulf of Fonseca. While it was of short duration, the war resulted in the deaths of thousands of people, and it took the two countries a decade to get over it.

The current affair suggests they still have not got over it entirely. From the little guard shack on Conejo's highest point, Honduran soldiers can easily observe the activity at Puerto de Cutuco, in the department of La Union. In July, Capt. Guillermo Amaya of the Honduran Navy told reporters that the military would soon be building a modern military post on the island. He would not elaborate as to size or mission. As the presidents appear to be building toward a negotiated settlement of some kind and call upon the media to refrain from stirring popular discontent, the probability of this issue getting out of hand appears to be rising.

In Honduras, the opposition Partido Nacional (PN) has called upon Zelaya to take the matter to the UN Security Council. A PN press release stated, "The Partido Nacional demonstrates its indignation and rejection of the declarations of Salvadoran President Tony Saca that Conejo, in the Gulf of Fonseca, belongs to his country. El Salvador is obligated to obey the decision of the International Court of Justice of The Hague of September 1992, which confirmed the rights of Honduras over this and other territories." The release demanded that Zelaya instruct Honduras' UN ambassador to have the Security Council remind El Salvador of its obligation to obey the ICJ decision.

As a sign that this issue has already spilled over into other aspects of bilateral relations, the PN release also demanded that Zelaya "delay any study or negotiation to construct the El Tigre dam as long as El Salvador does not renounce its absurd pretension over Conejo." This refers to a large hydroelectric project that El Salvador has been promoting on Honduran soil and that Zelaya has supported.

Zelaya had just announced upon his return to the country Oct. 14 that the project would begin in 2008. Financing for the project was a main reason for his trip to Taiwan, where he negotiated with the Taiwan Power Company. El Salvador's Saca is scheduled to go this week to Taiwan. Both countries are among the 24 in the world that recognize Taiwan diplomatically, and both benefit substantially from Taiwan's struggle to gain international recognition over the veto of China, which considers Taiwan Chinese territory.

The Conejo dispute comes at a time when Honduras and El Salvador are negotiating a free-trade agreement with Taiwan. The second round of negotiations started Oct. 16. A completed agreement is expected by the end of 2006 and will facilitate Taiwan's entry into US markets by piggybacking on the Central America Free Trade Agreement (CAFTA). Letting Conejo get out of hand would be extremely costly for all concerned.

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