

No. 18222

**UNITED STATES OF AMERICA
and
CUBA**

Exchange of letters constituting an agreement on a *modus vivendi* relating to maritime boundary. Havana, 27 April 1977

Authentic texts: English and Spanish.

*Registered by the United States of America on 1 January 1980.**

**ÉTATS-UNIS D'AMÉRIQUE
et
CUBA**

Échange de lettres constituant un accord relatif à un *modus vivendi* concernant la ligne de démarcation maritime. La Havane, 27 avril 1977

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 1^{er} janvier 1980.*

* The documentation pertaining to this Agreement was received on 27 April 1978, but, owing to administrative delays, registration was not effected on that date — La documentation relative à cet Accord a été reçue le 27 avril 1978, mais, du fait de délais administratifs, l'enregistrement n'a pas été effectué à cette date.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CUBA ON A *MODUS VIVENDI* RELATING TO MARITIME BOUNDARY

I

The Assistant Secretary of State for Inter-American Affairs to the Cuban Vice-Minister, Ministry of Foreign Affairs

CITY OF HAVANA
CUBA

April 27, 1977

Excellency:

I have the honor to refer to negotiations which have taken place between our two delegations regarding the need to establish a maritime boundary between the United States of America and the Republic of Cuba as a result of the enactment by the Government of the United States of Public Law 94-265 on April 13, 1976, and by the Government of Cuba of Decree-Law No. 2 on February 24, 1977.

Both sides are in agreement that more technical work is needed before a provisional line can be established, and both have agreed to exchange nautical charts and other appropriate technical data at the earliest practicable time to assist in developing it. Further meetings are contemplated to fix the coordinates of the line with the objective of concluding this work during the course of 1977. In the meantime, I propose as a *modus vivendi* for 1977 that the simplified line described by the coordinates set out below be accepted as our maritime boundary:

- | | |
|------------------|-------------------|
| 1. 23° 56' 24" N | 10. 24° 03' 18" N |
| 81° 13' 27" W | 84° 11' 20" W |
| 2. 23° 50' 00" N | 11. 24° 10' 22" N |
| 81° 50' 00" W | 84° 29' 19" W |
| 3. 23° 50' 00" N | 12. 24° 12' 56" N |
| 83° 12' 10" W | 84° 35' 44" W |
| 4. 23° 51' 11" N | 13. 24° 14' 17" N |
| 83° 20' 13" W | 84° 38' 37" W |
| 5. 23° 52' 49" N | 14. 24° 40' 23" N |
| 83° 31' 09" W | 85° 31' 20" W |
| 6. 23° 54' 12" N | 15. 24° 51' 56" N |
| 83° 39' 45" W | 85° 53' 45" W |
| 7. 23° 56' 09" N | 16. 25° 10' 29" N |
| 83° 48' 16" W | 86° 27' 25" W |
| 8. 23° 56' 11" N | 17. 25° 13' 03" N |
| 83° 48' 23" W | 86° 32' 08" W |
| 9. 23° 58' 20" N | |
| 83° 55' 52" W | |

¹ Came into force on 27 April 1977 by the exchange of the said letters.

It shall be understood by the two Governments that on the north side of the line Cuba would not, and on the south side of the line the United States would not, for any purpose, claim or exercise sovereign rights or jurisdiction over the waters or sea-bed and subsoil.

Except for the understanding in the preceding paragraph each side reserves its position with respect to the law of the sea.

If the above-mentioned points are acceptable to your side, I have the honor to propose that this letter and your reply constitute an agreement between the two Governments.

Accept, Excellency, the assurances of my highest consideration.

TERENCE A. TODMAN

Dr. Pelegrín Torras
Vice-Minister
Ministry of Foreign Affairs
of the Republic of Cuba
Havana, Cuba

II

[SPANISH TEXT — TEXTE ESPAGNOL]

REPÚBLICA DE CUBA
MINISTERIO DE RELACIONES EXTERIORES
CIUDAD DE LA HABANA

El 27 de abril de 1977

Excelencia:

Me honro en hacer referencia a la carta de Vuestra Excelencia de fecha de hoy, relativa a la frontera marítima entre Cuba y los Estados Unidos de América, la cual, traducida al español, reza como sigue:

“Excelencia. Tengo el honor de referirme a las negociaciones que han sostenido nuestras dos delegaciones relativas a la necesidad de establecer una frontera marítima entre los Estados Unidos de América y la República de Cuba, como resultado de la promulgación por parte del Gobierno de los Estados Unidos de su Ley Pública 94-265 el día 13 de abril de 1976, y por parte del Gobierno de la República de Cuba de su Decreto-Ley 2 del 24 de febrero de 1977.

Ambas partes concuerdan que se necesitará trabajo técnico adicional antes de que una línea provisional pueda ser trazada, y han convenido en canjear a la mayor brevedad practicable, cartas náuticas y otros datos técnicos apropiados para ayudar en el cálculo de la línea.

Se contempla la convocación de reuniones ulteriores para establecer las coordenadas de la línea con el propósito de concluir esta tarea durante el curso del año 1977. Mientras tanto, propongo, como un *modus vivendi* para 1977, que la línea simplificada descrita mediante las coordenadas abajo estipuladas sea aceptada como nuestra frontera marítima:

[TRANSLATION¹ — TRADUCTION²]

The Cuban Vice-Minister, Ministry of Foreign Affairs, to the Assistant Secretary of State for Inter-American Affairs

REPUBLIC OF CUBA
MINISTRY OF FOREIGN AFFAIRS
HAVANA

April 27, 1977

Excellency:

I have the honor to refer to Your Excellency's letter of this date concerning the maritime boundary between Cuba and the United States of America which, translated into Spanish, reads as follows:

[See letter I]

In reply, I have the honor to inform you that the proposal contained in Your Excellency's letter is acceptable to the Government of the Republic of Cuba. Consequently, I agree that Your Excellency's letter and this reply shall constitute a *modus vivendi* between our two Governments for 1977.

Accept, Excellency, the assurances of my highest consideration.

PELEGRÍN TORRAS

Terence C. Todman
Assistant Secretary of State
for Inter-American Affairs

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

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