

BOUNDARIES

Maritime

**Agreement Between the
UNITED STATES OF AMERICA
and CUBA Extending the
Provisional Application of the
Maritime Boundary Agreement of
December 16, 1977**

Effected by Exchange of Notes at
Washington and Havana
December 19 and December 26, 2017



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

CUBA

Boundaries: Maritime

*Agreement extending the provisional application of the
maritime boundary agreement of December 16, 1977.
Effected by exchange of notes at Washington and Havana
December 19 and December 26, 2017;
Entered into force December 26, 2017;
Effective January 1, 2018.*

No. 353/81

The Department of State refers the Embassy of the Republic of Cuba to the Maritime Boundary Agreement between the United States of America and the Republic of Cuba, done at Washington on December 16, 1977, and the agreement of the two governments in Article V to apply the terms of that Agreement provisionally from January 1, 1978, for a period of two years pending the entry into force of the Agreement permanently on the date of exchange of instruments of ratification.

The Department refers further to subsequent agreements between the Government of the United States of America and the Government of the Republic of Cuba to continue to apply the Maritime Boundary Agreement provisionally for successive periods of two years, most recently by an agreement concluded through an exchange of notes dated November 24, 2015, and December 31, 2015, and effective until December 31, 2017.

The Department proposes that the terms of the Maritime Boundary Agreement of December 16, 1977, continue to apply provisionally for a period beginning on January 1, 2018, through January 17, 2020, and thereafter continue to

DIPLOMATIC NOTE

be provisionally applied for successive three-year periods unless, at least two months prior to the end of a given period, a written notice to terminate provisional application at the end of that period is given by one Party to the other Party or the Parties have agreed on a different period of application on a provisional basis. In any event, the period of provisional application shall terminate when the Maritime Boundary Agreement of December 16, 1977, enters into force.

If this proposal is acceptable to the Government of the Republic of Cuba, the Department proposes that this note and the affirmative reply from the Cuban Foreign Ministry shall constitute an Agreement between the Governments of the United States of America and the Republic of Cuba, which shall enter into force on the date of the reply and be effective from January 1, 2018.

Department of State,

Washington, December 19, 2017.

CK



Translation

Republic of Cuba
Ministry of Foreign Relations

NV 3386

The Ministry of Foreign Relations presents its compliments to the Department of State of the United States of America and has the pleasure to refer to its note No. 353/81 of December 19, 2017, regarding the Maritime Boundary Agreement between the United States of America and the Republic of Cuba, done at Washington on December 16, 1977, which read as follows:

Quote:

The Department of State refers the Embassy of the Republic of Cuba to the Maritime Boundary Agreement between the United States of America and the Republic of Cuba, done at Washington on December 16, 1977, and the agreement of the two governments in Article V to apply the terms of that Agreement provisionally from January 1, 1978, for a period of two years pending the entry into force of the Agreement permanently on the date of exchange of instruments of ratification.

The Department refers further to subsequent agreements between the Government of the United States of America and the Government of the Republic of Cuba to continue to apply the Maritime Boundary Agreement provisionally for successive periods of two years, most recently by an agreement concluded through an exchange of notes dated November 24, 2015, and December 31, 2015, and effective until December 31, 2017.

Department of State of the United States of America.

The Department proposes that the terms of the Maritime Boundary Agreement of December 16, 1977, continue to apply provisionally for a period beginning on January 1, 2018, through January 17, 2020, and thereafter continue to be provisionally applied for successive three-year periods unless, at least two months prior to the end of a given period, a written notice to terminate provisional application at the end of that period is given by one Party to the other Party or the Parties have agreed on a different period of application on a provisional basis. In any event, the period of provisional application shall terminate when the Maritime Boundary Agreement of December 16, 1977, enters into force.

If this proposal is acceptable to the Government of the Republic of Cuba, the Department proposes that this note and the affirmative reply from the Cuban Foreign Ministry shall constitute an Agreement between the Governments of the United States of America and the Republic of Cuba, which shall enter into force on the date of the reply and be effective from January 1, 2018.

The Department of State avails itself of this opportunity to reiterate to the Embassy of the Republic of Cuba the assurances of its highest consideration.

Unquote.

The Ministry of Foreign Relations, on behalf of the Republic of Cuba, is pleased to inform the Department of State of the United States of America that it accepts the proposal set forth in note No. 353/81 of December 19, 2017, and that this note and the

Department of State note in question shall constitute an agreement between the Governments of the United States of America and the Republic of Cuba, which shall enter into force on the date of this note and shall take effect as of January 1, 2018.

[Complimentary close].

Havana, December 26, 2017

[Initialed]

[Ministry stamp]



República de Cuba
Ministerio de Relaciones Exteriores

NV 3386

El Ministerio de Relaciones Exteriores saluda atentamente al Honorable Departamento de Estado de los Estados Unidos de América y tiene el placer de referirse a la Nota No. 353/81 del 19 de diciembre de 2017 de ese Departamento, relativa al Acuerdo de Límites Marítimos entre la República de Cuba y los Estados Unidos de América, suscrito en Washington el 16 de diciembre de 1977, la cual establece lo siguiente:

“El Departamento de Estado de los Estados Unidos remite a la Embajada de la República de Cuba al Acuerdo de Límites Marítimos entre los Estados Unidos de América y la República de Cuba, suscrito en Washington el 16 de diciembre de 1977, y al acuerdo de ambos gobiernos relativo al Artículo V con relación a la aplicación de los términos de dicho Acuerdo de manera provisional a partir del 1 de enero de 1978, por un período de dos años, en espera de la entrada en vigor del Acuerdo de forma permanente en el canje de los instrumentos de ratificación.”

Al Honorable Departamento de Estado
de los Estados Unidos de América

El Departamento de Estado de los Estados Unidos asimismo hace referencia a acuerdos posteriores entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de Cuba para seguir aplicando el Acuerdo de Límites Marítimos de manera provisional durante períodos sucesivos de dos años, y más recientemente por medio de un acuerdo suscrito a través de un canje de notas con fechas 24 de noviembre de 2015 y 31 de diciembre de 2015 con efectividad hasta el 31 de diciembre de 2017.

El Departamento de Estado de los Estados Unidos propone que los términos del Acuerdo de Límites Marítimos del 16 de diciembre de 1977, se sigan aplicando de manera provisional a partir del 1 de enero de 2018 hasta el 17 de enero de 2020, y que posteriormente se sigan aplicando de manera provisional durante períodos sucesivos de tres años a menos que, por lo menos dos meses antes de que concluya un período determinado, una de las Partes notifique por escrito a la otra su decisión de terminar la aplicación provisional al final de ese período o que las Partes acuerden un período de aplicación provisional diferente. En cualquier caso, el período de aplicación provisional se dará por terminado cuando el Acuerdo de Límites Marítimos del 16 de diciembre de 1977, entre en vigor.

Si la presente propuesta es aceptable para el Gobierno de la República de Cuba, el Departamento de Estado de los Estados Unidos propone que esta nota y la respuesta afirmativa del Ministerio de Relaciones Exteriores de la República de Cuba constituyan un Acuerdo entre los Gobiernos de los Estados Unidos y la República de Cuba, que entrará en vigor en la fecha de la respuesta y será efectivo a partir del 1 de enero de 2018.

El Departamento de Estado aprovecha la ocasión para reiterar a la Embajada de la República de Cuba el testimonio de su más alta consideración.”

El Ministerio de Relaciones Exteriores, en nombre de la República de Cuba, tiene el placer de informar al Departamento de Estado de los Estados Unidos de América que acepta la propuesta contenida en la Nota No. 353/81, del 19 de diciembre de 2017, y confirma que la presente Nota y la referida Nota del Departamento de Estado constituirán un Acuerdo entre los Gobiernos de la República de Cuba y los Estados Unidos de América, que entrará en vigor en la fecha de la presente Nota con efectividad a partir del 1º de enero de 2018.

El Ministerio de Relaciones Exteriores se vale de esta oportunidad para reiterar al Honorable Departamento de Estado de los Estados Unidos de América el testimonio de su alta consideración. *ml*

La Habana, 26 de diciembre de 2017
"Año 59 de la Revolución"

