

U.S. DEPARTMENT OF STATE • BUREAU OF INTELLIGENCE AND RESEARCH • ISSUED BY THE GEOGRAPHER

LIMITS IN THE SEAS



**No. 80-ADDENDUM
STRAIGHT BASELINES:
CHILE**

This paper is one of a series issued by The Geographer, Bureau of Intelligence and Research of the Department of State. The aim of the series is to set forth the basis for national arrangements for the measurement of the territorial sea or the division of the maritime areas of coastal nations.

Intended for background use only, this research document does not represent an official acceptance of the United States Government of the line or lines represented on the charts or, necessarily, of the specific principles involved, if any, in the original drafting of the lines. Principal analyst for this study: Robert W. Smith. Additional copies may be requested by mail from The Geographer, Department of State, Washington, D.C. 20520, or by telephone (Area Code 202, 632-2021 or 632-2022).

LIMITS IN THE SEAS

No. 80 - ADDENDUM

Straight Baselines: Chile

May 12, 1980

No 80 ADDENDUM

The Department of State has received a note from the Argentine Embassy in Washington pointing out that its Government commented that certain documents had been omitted from "Limits in the Seas, No. 80, Straight Baselines: Chile." The Office of The Geographer believes that its readers would be interested in having additional primary documentation pertaining to Argentina-Chile bilateral arrangements and, for that reason, has decided to publish this addendum.

At the present time, issues concerning the southern maritime boundary off the coasts of Argentina and Chile are being mediated through the good offices of the Holy See. The Office of The Geographer will endeavor to inform its readers in a timely fashion of any settlement ultimately reached insofar as it may affect the measurement of the territorial sea or the division of maritime areas between the coastal states.

Act of Puerto Montt Puerto Montt (Chile), February 20, 1978

At Puerto Montt, on February 20, 1978, meeting by mutual agreement, Their Excellencies Lieutenant General Jorge Rafael Videla, President of Argentina, and Major General Augusto Pinochet Ugarte, President of Chile, in the spirit of concord and friendship which characterized the talks at Mendoza, Argentine Republic, on January 18, 1978, after considering during these meetings the aspects which affect relations between the two countries, particularly those arising from the current situation in the southern region, and motivated by a mutual desire to strengthen the historic and fraternal bonds between the two countries, state that:

- A. At the aforementioned meeting at Mendoza the basis was established for negotiations making it possible to achieve a direct understanding of the fundamental issues concerning the bilateral relationship between Argentina and Chile, in particular matters which, in the opinion of either Government, are pending in the southern region.
- B. Such basis for understanding--confirmed at this meeting--does not constitute any modification of the positions of the Parties on the Arbitral Award of the Beagle Channel as established in the notes and statements issued by the respective Governments.
- C. Both Governments have issued orders to the respective authorities of the southern zone in question with a view towards preventing acts or attitudes contrary to the spirit of peaceful coexistence that must be maintained between the two countries.
- D. Their Excellencies the Presidents of Argentina and Chile, persevering in their search for ways of achieving direct understanding, preserving the integrity of the respective positions and rights of their Governments, and expressly reserving the same, have agreed as follows:

1. A system of negotiations shall be established with three phases, carried out by Commissions made up of representatives of both Governments.

2. In the first phase, without prejudices to the terms of paragraph C and to other decisions which may be made by the Governments of Argentina and Chile in order to improve coexistence, a Mixed Commission shall propose to the Governments, within a period of 45 days from the date of this act, measures leading to the creation of the necessary conditions for harmony and fairness, while finding a complete and definitive solution to the questions noted in paragraph 3.

The Governments of Argentina and Chile will agree upon adequate measures. Also, while the negotiations are taking place, the parties will not apply special rules on delimitation which either one has prescribed or produce evidence which may serve as a basis or support for any future delimitation in the southern zone while such rules or evidence may cause friction or difficulties with the other Party.

3. In the second phase, another Commission likewise made up of Argentine and Chilean representatives shall consider the following points:

3.1. Final delimitation of the jurisdictions of Argentina and Chile in the southern zone.

3.2 Measures to promote policies of physical integration, economic complementarity, and exploitation of natural resources by each State or jointly, including protection of the environment.

3.3 Consideration of common interests in Antarctica, coordination of policies affecting the frozen continent, legal defense of the rights of both countries, and study of advances in the bilateral agreements on comun vecindad in Antarctica.

3.4 Questions relating to the Strait of Magellan raised by the Parties, taking into consideration the relevant treaties and regulations of international law.

3.5 Questions relating to the straight baselines.

This Commission should begin its assignment on the date when both Governments reach an agreement on the proposals of the First Commission and complete its work within a maximum period of six months.

4. In the third phase, when the first two phases are completed, the proposals of the Commission shall be put before the Governments of Argentina and Chile, so that they may agree upon the corresponding international instruments.

It is understood that these instruments will be inspired by the spirit of the treaties binding the Parties, so that they will be compatible with them without affecting or modifying them.

Likewise, any agreement shall have no effect on Antarctica and may not be interpreted as prejudicial to the sovereignty of either Party in the Antarctic territories.

E. Desirous of finding a solution to the pending questions within a short period of time, Their Excellencies the Presidents of Argentina and Chile will exchange opinions on possible lines of delimitation of the jurisdiction corresponding to their respective countries.

F. Proceeding in this manner, both Presidents are certain that they are expressing the deep longing for peace, friendship, and progress of the peoples of Argentina and Chile, and that they have been faithful to the legacy of the fathers of their countries, San Martin and O'Higgins.

This Act is issued in two identically worded copies.

[Signature]

[Signature]

FINAL ACT, WITH ANNEX OF PROPOSALS AND PRESS RELEASE, OF THE FIRST MIXED ARGENTINE-CHILEAN COMMISSION, APRIL 6, 1978

Meeting at Buenos Aires, the Chairman of the Argentine and Chilean delegations to the First Mixed Commission affirm that:

(1) The fourth session of the First Argentine-Chilean Mixed Commission was held April 4-6, 1978, during which time the drafts exchanged at the third session, held at Santiago from March 28 to April 1, 1978, were examined.

(2) As a result of said examination, a final document was drafted and has been appended to this Final Act, together with the proposals which the Mixed Argentine-Chilean Commission is submitting for the approval of both Governments, in fulfillment of the mission conferred upon it by the Act of Puerto Montt of February 20, 1978.

(3) Said proposals contain measures which, in the judgment of the Mixed Commission, are conducive to creating the necessary conditions of harmony and fairness, in a climate of peaceful coexistence, while a complete and definitive solution to the questions referred to in paragraph 3 of said Act is being sought.

This Act is issued in two identically worded copies at Buenos Aires this sixth day of April, 1978.

[Signature]
Maj. Gen. Pablo Osvaldo Apella
Chairman of the Argentine Delegation

[Signature]
Brig. Gen. Luis J. Ramirez Pineda
Chairman of the Chilean Delegation

Proposals of the First Mixed Commission, Established by the Act of Puerto Montt

The First Argentine-Chilean Mixed Commission, established under paragraph D(2) of the Act of Puerto Montt of February 20, 1978, affirms that:

1. In accordance with the terms of reference established under paragraph D(2) of the Act of Puerto Montt, it has examined the measures which should be adopted by the Governments of Argentina and Chile in order to create the necessary conditions of harmony and fairness, while a complete and definitive solution to the questions raised under paragraph D(3) of said Act is being sought.

2. It has taken note of the fact that both Governments, in accordance with paragraph C of the Act of Puerto Montt, have issued orders to the respective authorities of the southern zone with a view towards preventing acts or attitudes contrary to the spirit of peaceful coexistence that must be maintained between the two countries.

3. The rules and measures proposed below, and the conduct to be adopted as a result thereof, shall remain in force for the full duration of the negotiations provided for in the Act of Puerto Montt. These rules and measures, as well as the maintenance of existing situations, shall neither affirm nor deny the rights which the Parties could invoke, nor shall they impede or influence a possible future settlement.

Said recommendations shall not, therefore, refer to the points mentioned in paragraph 3 of the Act of Puerto Montt, nor include questions raised by said points.

Consequently, it is understood that neither of the Parties may avail itself of the agreed rules and measures in order to establish rights or precedents, and that their sole and exclusive objective is to obtain and secure the conditions necessary for coexistence.

The recommendations formulated and the measures agreed upon by both Governments shall have no other significance, therefore, than the peaceful purpose indicated and may in no way be interpreted as a prejudgment with respect to the questions set forth in paragraph 3 of the Act of Puerto Montt, in accordance with the declaration and reservation expressed under paragraph D of said Act.

4. In order to ensure optimum conditions of harmony and of peaceful and equitable coexistence between both countries, and to accomplish the high objectives cited in the Act of Puerto Montt, the Commission submits to the Governments of Argentina and Chile the following rules and measures:

(A) Regarding the strengths, movements, and installations of military, security, police, and

border forces in the southern zone and, by extension, in the border region, both Parties will make an effort to safeguard the harmonious and equitable conditions referred to in the Act of Puerto Montt.

The installations and aids to navigation of either Party in the relevant islands in the southern zone and activities of any type carried out therein shall neither be offensive in nature nor have any political, military, or juridical significance whatsoever, it being understood that the Parties will avoid conduct which is not conducive to the aforementioned conditions of harmony and equity.

(B) It is recommended that the aids to maritime navigation currently installed in the southern zone be maintained without alterations or augmentations, excepting modifications of a technical nature.

(C) Public and private vessels of both Parties shall be assured that maritime navigation in the southern zone will continue in the manner in which it has been carried out thus far, particularly navigation to and from Antarctica, and navigation for commercial, logistical, and training purposes. Private vessels of third-party states shall be assured free access to the ports of the southern zone by the usual routes, under the pilotage system referred to in paragraph D.

(D) Regarding pilotage, the situation which has prevailed in Beagle Channel since 1971 shall be maintained, and new pilotage systems in the southern zone shall not be imposed.

Pilotage services shall be free of charge, with the exception of payments for pilots' lodging and travel expenses.

(E) Regarding the protection of lives at sea and navigation accidents, information, advice, and mutual support shall be exchanged in each concrete case that may arise.

(F) Public and private aircraft of both countries may overfly the southern zone in a straight line between the airport of departure and the airport of destination. The same possibility shall also apply for landings and takeoffs from airports in close proximity to the international boundary.

For other overflights which may be necessary, the customary rules governing such cases in both countries shall apply.

In cases of overflights caused by adverse climatic conditions or technical breakdowns in which human life is endangered, no restrictions shall apply.

(G) Regarding movements of persons and vehicles between the two countries, the Governments will instruct their respective authorities to enforce agreements in effect strictly, while maintaining on an equitable and reciprocal basis the facilities customarily accorded.

Similarly, both Governments will instruct their immigration services to adopt, as soon as possible, measures for regularizing the residency status of nationals from both countries, according facilities compatible with administrative standards, without prejudice to police requirements concerning delinquents and undesirables. However, expulsions of nationals of either country shall be carried out in such a way as to prevent unnecessary inconvenience or harm and after the competent consular official has been notified.

(H) In order to facilitate normal and peaceful coexistence, both Governments, through the appropriate channels, will establish a permanent system of consultation on any situation or event which could threaten this coexistence.

The consultation procedure shall be carried out and refined for the Argentine Republic at the level of the Joint Chief of Staff and for the Republic of Chile at the level of the National Defense Chief of Staff.

Consultation procedure means the action to be taken by the Argentine Chief of Staff and the Chilean National Defense Chief of Staff prior to an event which could disturb the normal relations between the two countries, in order to seek an immediate, direct, and reasonable solution which avoids major repercussions.

It is noted that this system authorizes and encourages corresponding contact between regional commands and units of each Party.

(I) Regarding the special rules on delimitation established by either of the Parties which are in effect in the southern zone, the pertinent parts of the following instruments shall be included in paragraph D(2) in fine of the Act of Puerto Montt: Chilean Government Supreme Decree No. 416 of July 14, 1977; Ordinance No. 1120/26 of August 23, 1977 from the Chilean Coastal and Merchant Marine Office; and Argentine Decree No. 149 of April 8, 1970 from the Governor of the National Territory of Tierra del Fuego, Antarctica, and the Islands of the South Atlantic.

(J) Regarding the exploitation of renewable natural resources, the current situation shall be maintained with respect to activities based on past practices or those derived from regulations, particularly the document on exploitation of the spider crab in Beagle Channel, drafted at the technical meeting held June 8-9, 1975 in Ushuaia.

(K) Through respective official information channels, public information shall be handled with objectivity and restraint so that it contributes to the spirit of peaceful coexistence established in the Act of Puerto Montt.

(L) A greater exchange of professional know-how and mutually beneficial information shall be fostered, as shall closer contact between the national and regional civilian and military authorities of both countries.

This document, an annex to the Final Act of the First Mixed Commission established by the Act of Puerto Montt, is signed in two identically worded copies at Buenos Aires, this sixth day of April, 1978.

[Signature]
Maj. Gen. Pablo Osvaldo Apella
Chairman of the Argentine Delegation

[Signature]
Brig. Gen. Luis J. Ramirez Pineda
Chairman of the Chilean Delegation

PRESS RELEASE

The work of the First Mixed Argentine-Chilean Commission, established by the Act of Puerto Montt to propose to the Governments of Argentina and Chile measures leading to the creation of the necessary conditions for harmony and fairness while finding a complete and definitive solution to the questions noted in paragraph 3 of that Act, has been completed at the city of Buenos Aires.

The First Mixed Commission, in accordance with the agenda established for it, analyzed questions related to the military, security, police, and border forces concerning the harmonious and fair conditions which both nations seek in their relations with one another. Likewise it proposed a system of consultation which will be used to deal with any event that might affect normal relations between the two countries.

It also considered matters pertaining to navigation, navigational aids, pilotage, aerial navigation, and protection of lives at sea.

Problems arising from border crossings by persons and vehicles and the status of nationals of one country who are residing in the other country were also considered, as were the special rules on delimitation prescribed by the two countries, insofar as they affect the objectives of the Commission.

Finally the Commission considered the rules for coexistence with respect to the exploitation of renewable natural resources as well as the promotion of increased exchanges and understanding between the two countries.

The First Mixed Commission formulated proposals on the aforementioned subjects to the respective Governments and considers that it has completed its assignment.

The First Mixed Commission emphasizes the spirit of harmony and frank understanding which prevailed during its deliberations and is certain that the same spirit will inspire the next phase of negotiations provided for in the Act of Puerto Montt.

Buenos Aires, April 6, 1978

[Signature]
Maj. Gen. Pablo Osvaldo Apella

[Signature]
Brig. Gen. Luis J. Ramirez Pineda

Chairman of the Argentine Delegation

Chairman of the Chilean Delegation

Exchange of Notes Between the Governments of Argentina and Chile, May 2, 1978

Ministry of Foreign Relations and Worship

Buenos Aires, May 2, 1978

Sir:

I have the honor to acknowledge receipt of Your Excellency's note of April 11, 1978 informing me that on April 10, 1978 the Government of the Republic of Chile approved the proposals of the Mixed Argentine-Chilean Commission which were formulated in fulfillment of the assignment given to it by the High Governments of the two countries as was established in the text of the Act of Puerto Montt of February 20, 1978.

In this regard, I am pleased to inform Your Excellency that on April 13, 1978 the Government of the Argentine Republic also approved the proposals of the Mixed Argentine-Chilean Commission referred to in that letter.

Consequently, my Government understands that, in accordance with the text of the Act of Puerto Montt, paragraph D(3.5), as of the date of this note the conditions have been fulfilled for the Second Mixed Commission to begin its work.

Therefore, I propose to Your Excellency that the first meeting of the Second Commission begin between May 22 and 26 at the city of Buenos Aires on a date specified by both Foreign Ministries. If the Government of Chile is in agreement with the foregoing, this note and Your Excellency's reply shall be considered an agreement between the Argentine Republic and the Republic of Chile on the recommendations which the First Mixed Commission made to the two Governments and also an agreement on beginning the work of the Second Commission.

His Excellency
Gaston Illanes Fernandez,
Charge d'Affaires of the Republic of Chile
Buenos Aires.

Accept, Excellency, the assurances of my highest consideration.

[Signature]

Buenos Aires, May 2, 1978

Excellency:

I have the honor to acknowledge receipt of Your Excellency's note of this date informing me that the Government of the Argentine Republic also approved the proposals of the Mixed Argentine-Chilean Commission on April 13, 1978 in conformity with the assignment given to it by the Governments of the two countries, as was established in the Act of Puerto Montt of February 20, 1978.

In this regard, the Government of the Republic of Chile is in agreement with Your Excellency's Government that as of the date of this note the conditions have been fulfilled for the Second Mixed Commission to begin its work.

Therefore, I am pleased to inform Your Excellency of the agreement of my Government that the first meeting of the Second Commission begin between May 22 and 26, 1978 at the city of Buenos Aires on the date specified by both Ministries of Foreign Relations.

In these circumstances, as your letter stated, Your Excellency's note and this reply shall be considered an agreement between the Republic of Chile and the Argentine Republic on the recommendations which the First Mixed Commission made to the two Governments and also an agreement on beginning the work of the Second Commission.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

[Signature]

Gaston Illanes Fernandez
Charge d'Affaires ad interim

His Excellency
Vice Admiral Oscar A. Montes,
Minister of Foreign Relations and Worship,
Buenos Aires.