

No. 16766

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**ARGENTINA**  
and  
**CHILE**

**Exchange of notes constituting an agreement relating to the Final Act approving the proposals of the First Joint Commission established by the Act of Puerto Montt (with Final Act of the First Joint Commission dated 6 April 1978). Buenos Aires, 2 May 1978**

*Authentic text: Spanish.*

*Registered by Argentina on 15 June 1978.*

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**ARGENTINE**  
et  
**CHILI**

**Échange de notes constituant un accord relatif à l'Acte final approuvant les propositions de la Première commission mixte créée par l'Acte de Puerto Montt (avec Acte final de la Première commission mixte en date du 6 avril 1978). Buenos Aires, 2 mai 1978**

*Texte authentique : espagnol.*

*Enregistré par l'Argentine le 15 juin 1978.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN ARGENTINA AND CHILE RELATING TO THE FINAL ACT APPROVING THE PROPOSALS OF THE FIRST JOINT COMMISSION ESTABLISHED BY THE ACT OF PUERTO MONTT<sup>2</sup>

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD<sup>1</sup> ENTRE L'ARGENTINE ET LE CHILI RELATIF À L'ACTE FINAL APPROUVANT LES PROPOSITIONS DE LA PREMIÈRE COMMISSION MIXTE CRÉÉE PAR L'ACTE DE PUERTO MONTT<sup>2</sup>

I

[SPANISH TEXT — TEXTE ESPAGNOL]

MINISTRO DE RELACIONES EXTERIORES Y CULTO  
BUENOS AIRES

2 de mayo de 1978

Señor Encargado de Negocios:

Tengo el honor de dirigirme a Vuestra Excelencia a fin de acusar recibo de su nota de fecha 11 de abril de 1978, en la que me comunica que con fecha 10 de abril de 1978 el Gobierno de la República de Chile ha dado su aprobación a las proposiciones que le elevara la Comisión Mixta Argentino-Chilena y que fueran elaboradas en cumplimiento de la Misión que le encomendaron los Superiores Gobiernos de ambos países, tal como quedó establecido en el texto del Acta de Puerto Montt del 20 de febrero de 1978.

Al respecto, me complazco en informar a Vuestra Excelencia que asimismo el 13 de abril de 1978, el Gobierno de la República Argentina ha aprobado las proposiciones que le elevara la Comisión Mixta Argentino-Chilena a que se refiere esta comunicación.

En consecuencia entiendo mi Gobierno que, a tenor del texto del Acta de Puerto Montt (apartado D, 3.5), a partir de la fecha de la presente nota se hallan reunidas las condiciones para que la Segunda Comisión Mixta inicie sus tareas.

Por ello, propongo a Vuestra Excelencia que la primera reunión de la Segunda Comisión se inicie entre los días 22 y 26 de mayo, en la ciudad de Buenos Aires, en la fecha que precisarán ambas Cancillerías. Si el Gobierno de Chile conviene en lo que antecede, esta nota y la respuesta de Vuestra Excelencia reflejarán el acuerdo entre la República Argentina y la República de Chile sobre las recomendaciones que elevara a

<sup>1</sup> Came into force on 2 May 1978 by the exchange of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1088, No. 1-16667.

<sup>1</sup> Entré en vigueur le 2 mai 1978 par l'échange desdites notes.

<sup>2</sup> Nations Unies, *Recueil des Traités*, vol. 1088, n° 1-16667.

los dos Gobiernos la Primera Comisión Mixta, e igualmente el acuerdo sobre la iniciación de las tareas de la Segunda Comisión.

Saludo a Vuestra Excelencia con mi más alta y distinguida consideración.

[Signed — Signé]<sup>1</sup>

Su Excelencia el Señor Encargado de Negocios  
de la República de Chile  
Ministro Consejero Don Gastón Illanes Fernández  
Buenos Aires

[TRANSLATION]

THE MINISTER FOR FOREIGN AFFAIRS  
AND WORSHIP  
BUENOS AIRES

2 May 1978

Sir,

I have the honour to acknowledge receipt of your note date 11 April 1978, in which you inform me that on 10 April 1978 the Government of the Republic of Chile approved the proposals submitted to it by the Argentine-Chilean Joint Commission and prepared in fulfilment of the task assigned to that Commission by the Governments of the two countries, as laid down in the text of the Act of Puerto Montt of 20 February 1978.<sup>2</sup>

I am pleased to inform you that on 13 April 1978 the Government of the Argentine Republic also approved the proposals to which this communication relates and which had been submitted to it by the Argentine-Chilean Joint Commission.

Consequently, it is my Government's understanding that, in compliance with the text of the Act of Puerto Montt (para. (D) 3.5), with effect from the date of this note, the necessary conditions exist for the Second Joint Commission to begin its work.

[TRADUCTION]

LE MINISTRE DES RELATIONS EXTÉRIEURES  
ET DU CULTE  
BUENOS AIRES

Le 2 mai 1978

Monsieur le Chargé d'affaires,

J'ai l'honneur d'accuser réception de votre note en date du 11 avril 1978, dans laquelle vous me faites savoir qu'à compter du 10 avril 1978, le Gouvernement de la République du Chili a donné son approbation aux propositions qui lui ont été faites par la Commission mixte argentino-chilienne et qui ont été élaborées conformément à la mission que lui ont confiée les gouvernements des deux pays, telle qu'elle est définie dans le texte de l'Acte de Puerto Montt en date du 20 février 1978<sup>2</sup>.

A ce propos, j'ai le plaisir de vous informer que le 13 avril 1978, le Gouvernement de la République argentine a lui-même approuvé les propositions qui lui ont été faites par la Commission mixte argentino-chilienne visées dans la présente communication.

En conséquence, il est entendu par mon gouvernement que, conformément au texte de l'Acte de Puerto Montt (par. D, 3.5), les conditions nécessaires pour que la deuxième Commission mixte entreprenne ses travaux sont réunies à partir de la date de la présente note.

<sup>1</sup> Signed by Oscar A. Montes.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1088, No. I-16667.

<sup>1</sup> Signé par Oscar A. Montes.

<sup>2</sup> Nations Unies, *Recueil des Traités*, vol. 1088, n° I-16667.

I therefore propose to you that the first meeting of the Second Commission should begin at the city of Buenos Aires between 22 and 26 May, on a date to be determined by the two Ministries of Foreign Affairs. If the Government of Chile agrees to the foregoing, this note and your reply shall reflect the agreement between the Argentine Republic and the Republic of Chile concerning the recommendations submitted to the two Governments by the First Joint Commission and also their agreement concerning the beginning of the Second Commission's work.

Accept, Sir, etc.

[OSCAR A. MONTES]

His Excellency  
Mr. Gastón Illanes Fernández  
Minister Counsellor  
Chargé d'affaires a.i.  
of the Republic of Chile  
Buenos Aires

Aussi, je vous propose que la première réunion de la deuxième Commission s'ouvre entre les 22 et 26 mai, à Buenos Aires, à la date qui sera précisée par les Ministères des affaires extérieures de nos deux pays. Si le Gouvernement chilien donne son agrément à ce qui précède, cette note et votre réponse en ce sens constitueront un accord entre la République argentine et la République du Chili concernant les recommandations formulées aux deux gouvernements par la première Commission mixte, ainsi qu'un accord sur l'ouverture des travaux de la deuxième Commission.

Veillez agréer, etc.

[OSCAR A. MONTES]

Son Excellence  
Monsieur Gastón Illanes Fernández  
Ministre Conseiller  
Chargé d'affaires par intérim  
de la République du Chili  
Buenos Aires

## II

[SPANISH TEXT — TEXTE ESPAGNOL]

EMBAJADA DE CHILE  
BUENOS AIRES

Buenos Aires, 2 de mayo de 1978

Excelentísimo Señor Ministro:

Tengo el honor de acusar recibo de la Nota de Vuestra Excelencia de esta misma fecha, en la que me comunica que el Gobierno de la República Argentina ha dado también su aprobación, el 13 de abril recién pasado, a las proposiciones elevadas por la Comisión Mixta Chileno-Argentina, conforme a la misión que le fue encomendada por los Gobiernos de ambos países, tal como quedó establecido en el Acta de Puerto Montt del 20 de febrero de 1978.

Sobre el particular, el Gobierno de la República de Chile concuerda con el de Vuestra Excelencia, en que a partir de la fecha de la presente Nota se cumplen las condiciones para que la Segunda Comisión Mixta inicie sus tareas.

Asimismo, me es muy grato expresar a Vuestra Excelencia el acuerdo de mi Gobierno para que la primera reunión de la Segunda Comisión se inicie entre los días 22 y 26 de mayo en curso, en la ciudad de Buenos Aires, en la fecha que precisarán ambos Ministerios de Relaciones Exteriores.

En estas condiciones, tal como lo señala la comunicación que contesto, la Nota de Vuestra Excelencia y esta respuesta expresan el acuerdo entre la República de Chile y la República Argentina sobre las recomendaciones elevadas a los dos Gobiernos por la Primera Comisión Mixta, e igualmente el acuerdo sobre la iniciación de las tareas de la Segunda Comisión.

Aprovecho esta oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

[Signed — Signé]

GASTÓN ILLANES FERNÁNDEZ  
Encargado de Negocios a.i.

Excmo. Señor Vicealmirante Don Oscar A. Montes  
Ministro de Relaciones Exteriores y Culto  
Buenos Aires

[TRANSLATION]

EMBASSY OF CHILE  
BUENOS AIRES

Buenos Aires, 2 May 1978

[TRADUCTION]

AMBASSADE DU CHILI  
BUENOS AIRES

Buenos Aires, le 2 mai 1978

Sir,

I have the honour to acknowledge receipt of your letter of today's date informing me that the Government of the Argentine Republic has also approved, on 13 April 1978, the proposals submitted by the Chilean-Argentine Joint Commission, in fulfilment of the task assigned to it by the Governments of the two countries, as laid down in the Act of Puerto Montt of 20 February 1978.

The Government of the Republic of Chile concurs with your Government that as from the date of this Note the necessary conditions exist for the Second Joint Commission to begin its work.

I am also very pleased to convey to you the agreement of my Government to have the first meeting of the Second Commission begin between 22 and 26 May 1978, at the city of Buenos Aires, on a date to be determined by the Ministries of Foreign Affairs of the two countries.

Monsieur le Ministre,

J'ai l'honneur d'accuser réception de votre note en date de ce jour, dans laquelle vous me faites savoir que le Gouvernement de la République argentine a lui aussi approuvé, le 13 avril dernier, les propositions formulées par la Commission mixte chileno-argentine, conformément à la mission que lui ont confiée les gouvernements des deux pays, comme prévu dans l'Acte de Puerto Montt du 20 février 1978.

A cet égard, le Gouvernement de la République du Chili est d'accord avec votre gouvernement pour considérer qu'à partir de la date de la présente note, les conditions nécessaires pour que la deuxième Commission mixte entreprenne ses travaux sont réunies.

Par ailleurs, j'ai le plaisir de vous faire savoir que mon gouvernement est d'accord pour que la première de la deuxième Commission s'ouvre entre les 22 et 26 mai courants, à Buenos Aires, à la date qui sera précisée par les deux Ministères des relations extérieures.

As stated in your communication to which I am replying, your note and this reply express the agreement between the Republic of Chile and the Argentine Republic concerning the recommendations submitted to the two Governments by the First Joint Commission and also their agreement concerning the beginning of the Second Commission's work.

Accept, Sir, etc.

[Signed]

GASTÓN ILLANES FERNÁNDEZ  
Chargé d'affaires a.i.

His Excellency Vice-Admiral  
Oscar A. Montes  
Minister for Foreign Affairs  
and Worship  
Buenos Aires

En conséquence, comme il est dit dans votre communication, votre note et la présente réponse constituent un accord entre la République du Chili et la République argentine concernant les recommandations formulées aux deux gouvernements par la première Commission mixte ainsi qu'un accord concernant l'ouverture des travaux de la deuxième Commission.

Veillez agréer, etc.

[Signé]

GASTÓN ILLANES FERNÁNDEZ  
Chargé d'affaires par intérim

Son Excellence Monsieur le vice-amiral  
Oscar A. Montes  
Ministre des relations extérieures  
et du culte  
Buenos Aires

## [TRANSLATION — TRADUCTION]

## FINAL ACT

The Heads of the Delegations of Argentina and Chile to the First Joint Commission, convened at Buenos Aires, place on record the following:

1. The fourth session of the First Argentine-Chilean Joint Commission was held from 4 to 6 April 1978; the Commission considered, in particular, the drafts exchanged at the third session, held at Santiago, Chile, from 28 March to 1 April 1978.

2. As a result of the consideration of the drafts, a final document, which is attached as an annex to this Final Act, was drawn up, containing the proposals that the Argentine-Chilean Joint Commission is submitting for approval to both Governments, in fulfilment of the task assigned to it under the Act of Puerto Montt of 20 February 1978.

3. The said proposals contain the measures which, in the opinion of the Joint Commission, are conducive to the establishment of the necessary conditions of harmony and equity in a climate of peaceful coexistence until an integral and definitive solution for the points referred to in paragraph 3 of the above-mentioned Act is found.

This Act is done in two identical copies at the city of Buenos Aires on 6 April 1978.

[*Signed*]

PABLO OSVALDO APELLA  
Major General  
Head of the Argentine  
Delegation

[*Signed*]

LUIS J. RAMÍREZ PINEDA  
Brigadier General  
Head of the Chilean  
Delegation

## PROPOSALS OF THE FIRST JOINT COMMISSION ESTABLISHED UNDER THE ACT OF PUERTO MONTT

The First Argentine-Chilean Joint Commission, established under paragraph (D) 2 of the Act of Puerto Montt of 20 February 1978, places on record the following:

1. In accordance with the mandate established in paragraph (D) 2 of the Act of Puerto Montt, the Joint Commission has examined the measures that it would be appropriate for the Governments of Argentina and Chile to adopt in order to establish the necessary conditions of harmony and equity until an integral and definitive solution for the points referred to in paragraph (D) 3 of that Act is found.

2. It has taken note of the fact that both Governments, in conformity with paragraph (C) of the Act of Puerto Montt, have given orders to their respective authorities in the southern zone to avoid actions or attitudes inconsistent with the spirit of peaceful coexistence which must be maintained between the two countries.

3. The rules and measures proposed below and the conduct adopted on the basis thereof shall prevail throughout the duration of the negotiations provided for in the Act of Puerto Montt. Neither those rules and measures nor the continuance of existing situations shall imply affirmation or rejection of rights that the Parties may invoke, nor shall they impede or influence a possible future settlement.

Consequently, it is understood that neither of the Parties shall use the agreed rules and conduct as a source of rights or precedents and that their sole and exclusive aim is to achieve and strengthen the practical conditions for coexistence.

Thus, the recommendations formulated and the measures agreed upon by the two Governments will have no further scope than the peaceful objective indicated and cannot be interpreted in any way as prejudging the questions referred to in paragraph 3 of the Act of Puerto Montt, in accordance with the declaration and the reservation expressed in paragraph (D) of that Act.

4. With the aim of ensuring optimum conditions for harmony and peaceful and equitable coexistence between the two countries and in order to put into effect the lofty objectives stated in the Act of Puerto Montt, the Commission submits the following rules and measures to the Governments of Argentina and Chile:

(A) With regard to the deployment of personnel and installations of the armed forces, the forces of law and order and the police and frontier forces in the southern zone and, by extension, in the frontier region, both Parties shall endeavour to ensure the conditions of harmony and equity referred to in the Act of Puerto Montt.

Installations and navigational aids belonging to either Party in the islands under consideration in the southern zone and activities of any sort carried out in that zone shall not be of an offensive nature, nor have any political, military or juridical significance under the terms of the Act of Puerto Montt, it being understood that the Parties shall avoid attitudes that do not contribute to the above-mentioned conditions of harmony and equity.

(B) In the matter of aids to maritime navigation, it is recommended that those now in place in the southern region should be maintained, without alteration or increase except for modifications of a technical nature.

(C) Publicly and privately owned ships of the Parties should be guaranteed the same rights to maritime navigation in the southern zone that they have enjoyed up to the present time and, in particular, navigation to and from Antarctica and navigation for commercial ends and for logistical and training purposes. Privately owned ships sailing under third country flags should be guaranteed free access to ports in the southern zone along the customary routes, under the system of pilotage referred to in paragraph (D).

(D) In the matter of pilotage, the situation that has been in force since 1971 in the Beagle Channel zone should be maintained. No new pilotage should be imposed in the southern zone.

The services rendered should be free of charge, except for the cost of the lodging and transfer of pilots.

(E) With regard to the protection of human life at sea and to shipping accidents, there should be an exchange of information, consultation and mutual assistance in each specific case that may arise.

(F) Publicly and privately owned aircraft of both countries may fly over the southern zone when they do so in a straight line between the airport of departure and the airport of destination. The same opportunity shall be afforded in cases of landing at or take-off from airports situated very near the international boundary.

For any other necessary overflights, the customary rules in effect in the two countries shall apply.

In the case of an overflight necessitated by adverse weather conditions or caused by technical failures which endanger human life, there shall be no restrictions.

(G) With regard to the movement of persons and vehicles between the two countries, the Governments shall instruct their respective authorities to implement fully the agreements in force, maintaining equitably and on a basis of reciprocity the facilities that have customarily been granted.



Both Governments shall also instruct their immigration authorities to adopt, as soon as possible, measures to regularize the residence situation of nationals of the two countries by granting facilities that are compatible with administrative regulations. The foregoing shall be without prejudice to police provisions regarding delinquents and undesirables. However, when the expulsion of nationals of either country is necessary, it shall be carried out without unnecessary nuisance or prejudice and with previous notification to the competent consular officer.

(H) In order to facilitate normal and peaceful coexistence, the two Governments shall establish, through the appropriate channels, a permanent system for consultation on any situation or occurrence that might affect such coexistence.

The consultation procedure shall operate and shall be refined at the level of the Chief of the Joint General Staff in the case of the Argentine Republic and the Chief of the National Defence General Staff in the case of the Republic of Chile.

“Consultation procedure” means the action taken by the Argentine Chief of Joint General Staff and the Chilean Chief of the National Defence General Staff in response to an occurrence that may disturb normal relations between the two countries, with a view to deciding on an immediate, direct and reasonable solution that will avoid further repercussions.

It is to be noted that the same system authorizes and encourages similar contacts between the regional authorities and units of each Party.

(I) With regard to special rules for delimitation drawn up by either Party that are applicable in the zone, the final part of paragraph (D) 2 of the Act of Puerto Montt includes, in this connection, Supreme Decree No. 416 of the Government of Chile, dated 14 July 1977, Ordinance No. 1120/26 of the Office for Coastal Affairs and Merchant Shipping of Chile, dated 23 August 1977, and Argentine Decree No. 149 of the Governor of the national territory of Tierra del Fuego, Antarctica and the Islands of the South Atlantic, dated 8 April 1970.

(J) The present situation with regard to the exploitation of renewable natural resources should be maintained, both when it derives from practice and when it has been the object of regulation, in particular the document relative to the exploitation of the spider crab in the Beagle Channel issued following the technical meeting held at Ushuaia on 8 and 9 June 1975.

(K) Public information should be handled, through the respective official information media, in an objective and measured way helpful to the spirit of peaceful coexistence promoted by the Act of Puerto Montt.

(L) Professional exchanges and the mutual exchange of knowledge should be further promoted and closer contacts between the civilian and military authorities of the two countries should be achieved, both at the national and at the regional levels.

IN WITNESS WHEREOF this document is signed, as an annex to the Final Act of the First Joint Commission established under the Act of Puerto Montt, in two identical copies at Buenos Aires on 6 April 1978.

*[Signed]*

PABLO OSVALDO APELLA  
Major-General  
Head of the Argentine  
Delegation

*[Signed]*

LUIS J. RAMÍREZ PINEDA  
Brigadier-General  
Head of the Chilean  
Delegation