

No. 23392

**CHILE
and
ARGENTINA**

**Treaty of peace and friendship (with annexes and maps).
Signed at Vatican City on 29 November 1984**

Authentic text: Spanish.

Registered by Chile on 17 June 1985.

**CHILI
et
ARGENTINE**

**Traité de paix et d'amitié (avec annexes et cartes). Signé à
la Cité du Vatican le 29 novembre 1984**

Texte authentique : espagnol.

Enregistré par le Chili le 17 juin 1985.

[TRANSLATION — TRADUCTION]

TREATY¹ OF PEACE AND FRIENDSHIP

IN THE NAME OF GOD THE ALL-POWERFUL

The Government of the Republic of Chile and the Government of the Argentine Republic,

Recalling that on 8 January 1979² they requested the Holy See to act as a Mediator in the dispute which has arisen in the southern zone, with the aim of guiding them in the negotiations and assisting them in the search for a solution; and that they sought his valuable aid in fixing a boundary line, which would determine the respective areas of jurisdiction to the east and to the west of this line, from the end of the existing boundary;

Convinced that it is the inescapable duty of both Governments to give expression to the aspirations of peace of their peoples;

Bearing in mind the Boundary Treaty of 1881,³ the unshakeable foundation of relations between the Argentine Republic and the Republic of Chile, and its supplementary and declaratory instruments;

Reiterating the obligation always to solve all its disputes by peaceful means and never to resort to the threat or use of force in their mutual relations;

Desiring to intensify the economic co-operation and physical integration of their respective countries;

Taking especially into account the "Proposal of the Mediator, Suggestions and Advice", of 12 December 1980;

Conveying, on behalf of their peoples, their thanks to His Holiness Pope John Paul II for his enlightened efforts to reach a solution of the dispute and to strengthen friendship and understanding between both nations;

Have resolved to conclude the following Treaty, which constitutes a compromise, for which purpose they have designated as their representatives:

His Excellency the President of the Republic of Chile Mr. Jaime del Valle Alliende,
Minister for Foreign Affairs,

His Excellency the President of the Argentine Republic Mr. Dante Mario Caputo,
Minister for Foreign Affairs and Worship,

who have agreed as follows:

PEACE AND FRIENDSHIP

Article 1. The High Contracting Parties, responding to the fundamental interests of their peoples, reiterate solemnly their commitment to preserve, strengthen and develop their unchanging ties of perpetual friendship.

The Parties shall hold periodic meetings of consultation in which they shall consider especially any occurrence or situation which is likely to alter the harmony

¹ Came into force on 2 May 1985 by the exchange of the instruments of ratification, which took place at Vatican City, in accordance with article 18.

² See "Act of Montevideo" in United Nations, *Treaty Series*, vol. 1137, p. 219.

³ *British and Foreign State Papers*, vol. LXXII, p. 1103.

between them, they shall try to ensure that any difference in their viewpoints does not cause controversy and they shall suggest or adopt specific measures to maintain and strengthen good relations between both countries.

Article 2. The Parties confirm their obligation to refrain from resorting directly or indirectly to any form of threat or use of force and from adopting any other measures which may disturb the peace in any sector of their mutual relations.

They also confirm their obligation to solve, always and exclusively by peaceful means, all controversies, of whatever nature, which for any cause have arisen or may arise between them, in conformity with the following provisions.

Article 3. If a dispute arises, the Parties shall adopt appropriate measures to maintain the best general conditions of coexistence in all aspects of their relations and to prevent the dispute from becoming worse or prolonged.

Article 4. The Parties shall strive to reach a solution of any dispute between them through direct negotiations, carried out in good faith and in a spirit of co-operation.

If, in the judgement of both Parties or one of them, direct negotiations do not achieve a satisfactory result, either of the Parties may invite the other to seek a solution to the dispute by means of peaceful settlement chosen by mutual agreement.

Article 5. In the event that the Parties, within a period of four months from the invitation referred to in the preceding article, do not reach agreement on another means of settlement and on the time-limit and other procedures for its application, or in the event that, such agreement having been obtained, a solution is not reached for any reason, the conciliation procedure stipulated in annex 1, chapter I, shall be applied.

Article 6. If both Parties or any one of them has not accepted the settlement terms proposed by the Conciliation Commission within the time-limit fixed by its Chairman, or if the conciliation procedure should break down for any reason, both Parties or any one of them may submit the dispute to the arbitral procedure established in annex 1, chapter II.

The same procedure shall apply when the Parties, in conformity with article 4, choose arbitration as a means of settlement of the dispute, unless they agree on other rules.

Questions which have been finally settled may not be brought up again under this article. In such cases, arbitration shall be limited exclusively to questions raised about the validity, interpretation and implementation of such agreements.

MARITIME BOUNDARY

Article 7. The boundary between the respective sovereignties over the sea, seabed and subsoil of the Argentine Republic and the Republic of Chile in the sea of the southern zone from the end of the existing boundary in the Beagle Channel, i.e., the point fixed by the co-ordinates 55°07.3' South latitude and 66°25.0' West longitude shall be the line joining the following points:

From the point fixed by the co-ordinates 55°07.3' South latitude and 66°25.0' West longitude (point A), the boundary shall follow a course towards the south-east

along a loxodromic line until a point situated between the coasts of the Isla Nueva and the Isla Grande de Tierra del Fuego whose co-ordinates are South latitude $55^{\circ}11.0'$ and West longitude $66^{\circ}04.7'$ (point B); from there it shall continue in a south-easterly direction at an angle of 45° measured at point B and shall extend to the point whose co-ordinates are $55^{\circ}22.9'$ South latitude and $65^{\circ}43.6'$ West longitude (point C); it shall continue directly south along that meridian until the parallel $56^{\circ}22.8'$ of South latitude (point D); from there it shall continue west along that parallel, 24 miles to the south of the most southerly point of Isla Hornos, until it intersects the meridian running south from the most southerly point of Isla Hornos at co-ordinates $56^{\circ}22.8'$ South latitude and $67^{\circ}16.0'$ West longitude (point E); from there the boundary shall continue south to a point whose co-ordinates are $58^{\circ}21.1'$ South latitude and $67^{\circ}16.0'$ West longitude (point F).

The maritime boundary described above is shown on annexed map No. I.¹

The exclusive economic zones of the Argentine Republic and the Republic of Chile shall extend respectively to the east and west of the boundary thus described.

To the south of the end of the boundary (point F), the exclusive economic zone of the Republic of Chile shall extend, up to the distance permitted by international law, to the west of the meridian $67^{\circ}16.0'$ West longitude, ending on the east at the high sea.

Article 8. The Parties agree that in the area included between Cape Horn and the easternmost point of Isla de los Estados, the legal effects of the territorial sea shall be limited, in their mutual relations, to a strip of three marine miles measured from their respective base lines.

In the area indicated in the preceding paragraph, each Party may invoke with regard to third States the maximum width of the territorial sea permitted by international law.

Article 9. The Parties agree to call the maritime area delimited in the two preceding articles "Mar de la Zona Austral" (Sea of the Southern Zone).

Article 10. The Argentine Republic and the Republic of Chile agree that at the eastern end of the Strait of Magellan (Estrecho de Magallanes) defined by Punta Dungeness in the north and Cabo del Espíritu Santo in the south, the boundary between their respective sovereignties shall be the straight line joining the "Dungeness Marker (Former Beacon)", located at the very tip of the said geographical feature, and "Marker I on Cabo del Espíritu Santo" in Tierra del Fuego.

The boundary described above is shown in annexed map No. II.¹

The sovereignty of the Argentine Republic and the sovereignty of the Republic of Chile over the sea, seabed and subsoil shall extend, respectively, to the east and west of this boundary.

The boundary agreed on here in no way alters the provisions of the 1881 Boundary Treaty, whereby the Strait of Magellan is neutralized forever with free navigation assured for the flags of all nations under the terms laid down in article V.

The Argentine Republic undertakes to maintain, at any time and in whatever circumstances, the right of ships of all flags to navigate expeditiously and without obstacles through its jurisdictional waters to and from the Strait of Magellan.

¹ See insert in a pocket at the end of this volume.

Article 11. The Parties give mutual recognition to the base lines which they have traced in their respective territories.

ECONOMIC CO-OPERATION AND PHYSICAL INTEGRATION

Article 12. The Parties agree to establish a permanent Bi-National Commission with the aim of strengthening economic co-operation and physical integration. The Bi-National Commission shall be responsible for promoting and developing initiatives, *inter alia*, on the following subjects: global system of terrestrial links, mutual development of free ports and zones, land transport, air navigation, electrical interconnections and telecommunications, exploitation of natural resources, protection of the environment and tourist complementarity.

Within six months following the entry into force of this Treaty, the Parties shall establish the Bi-National Commission and shall draw up its rules of procedure.

Article 13. The Republic of Chile, in exercise of its sovereign rights, shall grant to the Argentine Republic the navigation facilities specified in articles 1 to 9 of annex 2.

The Republic of Chile declares that ships flying the flag of third countries may navigate without obstacles over the routes indicated in articles 1 and 8 of annex 2, subject to the pertinent Chilean regulations.

Both Parties shall allow in the Beagle Channel the navigation and pilotage system specified in annex 2, articles 11 to 16.

The stipulations in this Treaty regarding navigation in the southern zone shall replace those in any previous agreement on the subject between the Parties.

FINAL CLAUSES

Article 14. The Parties solemnly declare that this Treaty constitutes the complete and final settlement of the questions with which it deals.

The boundaries indicated in this Treaty shall constitute a final and irrevocable confine between the sovereignties of the Argentine Republic and the Republic of Chile.

The Parties undertake not to present claims or interpretations which are incompatible with the provisions of this Treaty.

Article 15. Articles 1 to 6 of this Treaty shall be applicable in the territory of Antarctica. The other provisions shall not affect in any way, nor may they be interpreted in any way, that they can affect, directly or indirectly, the sovereignty, rights, juridical positions of the Parties, or the boundaries in Antarctica or in its adjacent maritime areas, including the seabed and subsoil.

Article 16. Welcoming the generous offer of the Holy Father, the High Contracting Parties place this Treaty under the moral protection of the Holy See.

Article 17. The following form an integral part of this Treaty:

- (a) Annex 1 on conciliation and arbitration procedure, consisting of 41 articles;
- (b) Annex 2 on navigation, consisting of 16 articles; and
- (c) The maps referred to in articles 7 and 10 of the Treaty and articles 1, 8 and 11 of annex 2.

References to this Treaty shall be understood as references also to its respective annexes and maps.¹

Article 18. This Treaty is subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification.

Article 19. This Treaty shall be registered in conformity with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, they sign and affix their seals to this Treaty in six identical copies of which two shall remain in the possession of the Holy See and the others in the possession of each of the Parties.

DONE in Vatican City on 29 November 1984.

[DANTE MARIO CAPUTO]

[JAIME DEL VALLE ALLIENDE]

Before me:

[AGOSTINO Cardinal CASAROLI]

ANNEX I

CHAPTER I. CONCILIATION PROCEDURE PROVIDED FOR IN ARTICLE 5 OF THE TREATY OF PEACE AND FRIENDSHIP

Article 1. Within six months following the entry into force of this Treaty, the Parties shall establish an Argentino-Chilean Permanent Conciliation Commission, hereinafter called "the Commission".

The Commission shall be composed of three members. Each one of the Parties shall appoint a member, who may be chosen from among its nationals. The third member, who shall act as Chairman of the Commission, shall be chosen by both Parties from among the nationals of third States who do not have their habitual residence in the territory of the Parties and are not employed in their service.

Members shall be appointed for a period of three years and may be reappointed. Each of the Parties may proceed at any time with the replacement of the member appointed by it. The third member may be replaced during his term of office by agreement between the Parties.

Vacancies caused by death or any other reason shall be filled in the same manner as initial appointments, within a period not longer than three months.

If the appointment of the third member of the Commission cannot be made within a period of six months from the entry into force of this Treaty or within a period of three months from the beginning of the vacancy, as the case may be, any one of the Parties may request the Holy See to make the appointment.

Article 2. In the situation provided for in article 5 of the Treaty of Peace and Friendship, the dispute shall be brought before the Commission in the form of a written request, either jointly by the two Parties or separately, addressed to the Chairman of the Commission. The subject of the dispute shall be briefly indicated in the request.

If the request is not submitted jointly, the Party making it shall immediately notify the other Party.

¹ See footnote on p. 105 of this volume.

Article 3. The written request or requests whereby the dispute is brought before the Commission shall contain, as far as possible, the designation of the delegate or delegates by whom the Party or Parties originating the request will be represented on the Commission.

It shall be the responsibility of the Chairman of the Commission to invite the Party or Parties who have not appointed a delegate to proceed promptly with such an appointment.

Article 4. Once a dispute has been brought before the Commission, and solely for this purpose, the Parties may designate, by common agreement, two more members to form part of it. The third member already appointed shall continue to serve as the Chairman of the Commission.

Article 5. If, when a dispute is brought before the Commission, any of the members appointed by a Party is unable to participate fully in the conciliation procedure, that Party must replace him as soon as possible for the sole purpose of the conciliation.

At the request of any one of the Parties, or on his own initiative, the Chairman may require the other Party to proceed with such a replacement.

If the Chairman of the Commission is unable to participate fully in the conciliation procedure, the Parties must replace him by common agreement as soon as possible for the sole purpose of the conciliation. If there is no such agreement, any of the Parties may request the Holy See to make the appointment.

Article 6. Having received a request, the Chairman shall fix the place and the date of the first meeting and shall invite to it the members of the Commission and the delegates of the Parties.

At the first meeting the Commission shall appoint its Secretary, who shall not be a national of any of the Parties, shall not have a permanent residence in their territory and shall not be employed in their service. The Secretary shall remain in office as long as the conciliation lasts.

At the same meeting, the Commission shall determine the procedure which is to govern the conciliation. Except if the Parties agree otherwise, the procedure shall be adversarial.

Article 7. The Parties shall be represented in the Commission by their delegates; they may also be accompanied by advisers and experts appointed by them for these purposes and they may request any testimony they consider appropriate.

The Commission shall have the power to request explanations from the delegates, advisers and experts of the Parties and from other persons they consider useful.

Article 8. The Commission shall meet in a place the Parties agree on and, failing such an agreement, in the place designated by its Chairman.

Article 9. The Commission may recommend that the Parties adopt measures to prevent the dispute from becoming worse or the conciliation from becoming more difficult.

Article 10. The Commission may not meet without the presence of all its members.

Unless the Parties agree otherwise, all the Commission's decisions shall be taken by a majority vote of its members. In the Commission's records no mention shall be made of whether decisions were made unanimously or by a majority.

Article 11. The Parties shall facilitate the work of the Commission and shall, as far as possible, provide it with all useful documents and information. Similarly, they shall allow it to proceed in their respective territories with the summoning and hearing of witnesses and experts and with the carrying out of on-the-spot inspections.

Article 12. In finalizing its consideration of the dispute, the Commission shall strive to define the terms of a settlement likely to be accepted by both Parties. The Commission may, for this purpose, proceed to exchange views with the delegates of the Parties, whom they may hear jointly or separately.

The terms proposed by the Commission shall be only in the nature of recommendations submitted for the consideration of the Parties to facilitate a mutually acceptable settlement.

The terms of the settlement shall be communicated in writing by the Chairman to the delegates of the Parties, whom he shall invite to inform him, within the time-limit fixed by him, whether the respective Governments accept the proposed settlement or not.

In making this communication, the Chairman shall explain personally the reasons why, in the Commission's opinion, they advise the Parties to accept the settlement.

If the dispute is only about questions of fact, the Commission shall confine itself to investigating these facts and shall draw up its conclusions in a report.

Article 13. Once the settlement proposed by the Commission is accepted by both Parties, a document embodying the settlement shall be drawn up; it shall be signed by the Chairman, the Secretary of the Commission and the delegates. A copy of the document, signed by the Chairman and the Secretary, shall be sent to each Party.

Article 14. If both Parties or one of them does not accept the settlement proposed and if the Commission deems it useless to try to obtain agreement on different settlement terms, a document shall be drawn up, signed by the Chairman and Secretary, which, without reproducing the settlement terms, shall state that the Parties could not be reconciled.

Article 15. The work of the Commission shall be concluded within six months from the day on which the dispute was brought to its attention, unless the Parties agree otherwise.

Article 16. No statement or communication of the delegates or members of the Commission on the substance of the dispute shall be included in the records of the meetings, unless the delegate or member responsible for the statement or communication consents. On the other hand, the written or oral reports of experts, the records of on-the-spot inspections and the statements of witnesses shall be annexed to the records, unless the Commission decides otherwise.

Article 17. Authentic copies of the records of meetings and their annexes shall be sent to the delegates of the Parties through the Secretary of the Commission, unless the Commission decides otherwise.

Article 18. The Commission's discussions shall be made public only by virtue of a Decision taken by the Commission with the assent of both Parties.

Article 19. No admission or proposal made during the conciliation proceedings, whether by one of the Parties or by the Commission, may prejudice or affect, in any way, the rights or claims of either Party in the event that the conciliation procedure is not successful. Similarly, the acceptance by either Party of a draft settlement formulated by the Commission shall in no way imply acceptance of considerations of fact or law on which such a settlement may be based.

Article 20. Once the Commission's work is completed, the Parties shall consider whether they will authorize the total or partial publication of the relevant documentation. The Commission may address to them a recommendation for this purpose.

Article 21. During the work of the Commission, each of its members shall receive financial remuneration the amount of which shall be fixed by common agreement between the Parties. The Parties shall each pay half of this remuneration.

Each of the Parties shall pay its own expenses and half of the Commission's joint expenses.

Article 22. At the end of the conciliation, the Chairman of the Commission shall deposit all the relevant documentation in the archives of the Holy See, thus maintaining the reserved nature of this documentation, within the limits indicated in articles 18 and 20 of this annex.

CHAPTER II. ARBITRAL PROCEDURE PROVIDED FOR IN ARTICLE 6 OF THE
TREATY OF PEACE AND FRIENDSHIP

Article 23. The Party intending to have recourse to arbitration shall so inform the other in writing. In the same communication, it shall request the constitution of the arbitral tribunal, hereinafter called "the Tribunal", shall indicate briefly the nature of the dispute, shall name the arbitrator it has chosen as a member of the Tribunal and shall invite the other Party to reach an arbitral settlement.

The other Party shall co-operate in the constitution of the Tribunal and in the elaboration of the settlement.

Article 24. Except as otherwise agreed by the Parties, the Tribunal shall consist of five members designated in their personal capacity. Each of the Parties shall appoint a member, who may be one of their nationals. The other three members, one of whom shall be Chairman of the Tribunal, shall be elected by common agreement from among the nationals of third States. These three arbitrators must be of different nationality, must not have their habitual residence in the territory of the Parties and must not be employed in their service.

Article 25. If all the members of the Tribunal have not been appointed within a time-limit of three months from the reception of the communication provided for in article 23, the appointment of the members in question shall be made by the Government of the Swiss Confederation at the request of either Party.

The Chairman of the Tribunal shall be designated by common agreement between the Parties within the time-limit specified in the preceding paragraph. If there is no such agreement, the designation shall be made by the Government of the Swiss Confederation at the request of either Party.

When all the members have been designated, the Chairman shall convene them to a meeting in order to declare the Tribunal constituted and to adopt the other agreements necessary for its operation. The meeting shall be held at the place, day and time indicated by the Chairman and the provisions of article 34 of this annex shall be applicable to it.

Article 26. Vacancies which may occur as a result of death, resignation or any other cause shall be filled in the following manner:

- If the vacancy is that of a member of the Tribunal appointed by a single one of the Parties, that Party shall fill it as soon as possible and, in any case, within a period of 30 days from the time the other Party invites it in writing to do so;
- If the vacancy is that of one of the members of the Tribunal appointed by common agreement, the vacancy shall be filled within a period of 60 days from the time one of the Parties invites the other in writing to do so;
- If, within the periods indicated in the foregoing paragraphs, the vacancies in question have not been filled, any of the Parties may request the Government of the Swiss Confederation to fill them.

Article 27. In the event that there is no agreement to bring the dispute before the Tribunal within a period of three months from the time of its constitution, either Party may bring the dispute before it following a written request.

Article 28. The Tribunal shall adopt its own rules of procedure, without prejudice to those which the Parties may have agreed upon.

Article 29. The Tribunal shall have the powers to interpret the settlement and decide on its own competence.

Article 30. The Parties shall co-operate in the work of the Tribunal and shall provide it with all useful documents, facilities and information. Similarly, they shall allow the Tribunal to conduct hearings in their respective territories, to summon and hear witnesses or experts and to practise on-the-spot inspections.

Article 31. The Tribunal shall have the power to order provisional measures designed to safeguard the rights of the Parties.

Article 32. When one of the Parties in the dispute does not appear before the Tribunal or refrains from defending its case, the other Party may request the Tribunal to continue the hearing and announce a decision. The fact that one of the Parties is absent or fails to appear shall not be an obstacle to the progress of the hearing or the announcement of a decision.

Article 33. The Tribunal shall base its decisions on international law, unless the Parties have agreed otherwise.

Article 34. The Tribunal's decisions shall be adopted by a majority of its members. The absence or abstention of one or two of its members shall not prevent the Tribunal from meeting or reaching a decision. In the case of a tie, the Chairman shall cast the deciding vote.

Article 35. The Tribunal's decision shall be accompanied by a statement of reasons. It shall mention the number of the members who have taken part in its adoption and the date on which it was rendered. Each member of the Tribunal shall have the right to have his separate or dissenting opinion added to the decision.

Article 36. The decision shall be binding on the Parties, final and unappealable. Its implementation shall be entrusted to the honour of the nations signing the Treaty of Peace and Friendship.

Article 37. The decision shall be executed without delay in the form and within the time-limits specified by the Tribunal.

Article 38. The Tribunal shall not terminate its functions until it has declared that, in its opinion, the decision has been carried out materially and completely.

Article 39. Unless the Parties have agreed otherwise, the disagreements which may arise between the Parties about the interpretation or the manner of execution of the arbitral decision may be brought by any Party before the Tribunal which rendered the decision. For this purpose, any vacancy occurring in the Tribunal shall be filled in the manner established in article 26 of this annex.

Article 40. Any Party may request the revision of the decision before the Tribunal which rendered it provided that the request is made before the time-limit for its execution has expired, and in the following cases:

1. If the decision has been rendered on the basis of a false or adulterated document;

2. If the decision is wholly or partly the result of an error of fact resulting from the hearings or documentation in the case.

For this purpose, any vacancy occurring in the Tribunal shall be filled in the manner established in article 26 of this annex.

Article 41. Each of the members of the Tribunal shall receive remuneration the amount of which shall be fixed by common agreement between the Parties, who shall each pay half of such remuneration.

Each Party shall pay its own expenses and half the joint expenses of the Tribunal.

[JAIME DEL VALLE ALLIENDE]

[DANTE MARIO CAPUTO]

ANNEX 2

NAVIGATION

Navigation between the Strait of Magellan and Argentine ports in the Beagle Channel and vice versa

Article 1. For maritime traffic between the Strait of Magellan and Argentine ports in the Beagle Channel and vice versa, through Chilean internal waters, Argentine vessels shall enjoy navigation facilities exclusively along the following route:

Canal Magdalena, Canal Cockburn, Paso Brecknock or Canal Ocasión, Canal Ballenero, Canal O'Brien, Paso Timbales, north-west arm of the Beagle Channel and the Beagle Channel as far as the meridian 68°36'38.5" West longitude and vice versa.

The description of the above route is given on annexed map No. III.¹

Article 2. The passage shall be navigated with a Chilean pilot, who shall act as technical adviser to the commandant or captain of the vessel.

For the proper designation and embarkation of the pilot, the Argentine authority shall inform the Commander-in-Chief of the Third Chilean Naval Zone, at least 48 hours in advance, of the date on which the vessel will begin the navigation.

The pilot shall perform his functions between the point whose geographical co-ordinates are: 54°02.8' South latitude and 70°57.9' West longitude and the meridian 68°36'38.5' West longitude in the Beagle Channel.

In the passage from or to the eastern mouth of the Strait of Magellan, the pilot shall embark and disembark at the pilot station of Bahía Posesión in the Strait of Magellan. In the passage from or to the western mouth of the Strait of Magellan, the pilot shall embark and disembark at the corresponding point indicated in the previous paragraph. He shall be conveyed to and from the previously designated points by Chilean means of transport.

In the passage from or to Argentine ports in the Beagle Channel, the pilot shall embark and disembark in Ushuaia and shall be conveyed from Puerto Williams to Ushuaia or from Ushuaia to Puerto Williams by Argentine means of transport.

Merchant vessels must pay the pilot fees laid down in the Tariff Regulations of the General Department of Maritime Territory and Merchant Navy of Chile.

Article 3. The passage of Argentine vessels shall be continuous and uninterrupted. In case of stoppage or anchorage as a result of *force majeure* along the route indicated in article 1,

¹ See footnote on p. 105 of this volume.

the commander or captain of the Argentine vessel shall inform the nearest Chilean naval authority.

Article 4. In cases not provided for in this Treaty, Argentine vessels shall be subject to the norms of international law. During the passage, such vessels shall abstain from any activity not directly related to the passage, such as exercises or practices with arms of any nature; launching, landing or reception of aircraft or military devices on board; embarkation or disembarkation of persons; fishing activities; investigations; hydrographical surveys; and activities which may disturb the security and communication systems of the Republic of Chile.

Article 5. Submarines and any other submersible vessels must navigate on the surface. All vessels shall navigate with their lights on and flying their flags.

Article 6. The Republic of Chile may suspend temporarily the passage of vessels in case of any impediment to navigation as a result of *force majeure* for the duration of such an impediment. The suspension shall take effect as soon as notice is given to the Argentine authority.

Article 7. The number of Argentine warships which may navigate simultaneously along the route described in article 1 may not exceed three. The vessels may not carry embarkation units on board.

Navigation between Argentine ports in the Beagle Channel and Antarctica and vice versa; or between Argentine ports in the Beagle Channel and the Argentine Exclusive Economic Zone adjacent to the maritime boundary between the Republic of Chile and the Argentine Republic and vice versa

Article 8. For maritime traffic between Argentine ports in the Beagle Channel and Antarctica and vice versa; or between Argentine ports in the Beagle Channel and the Argentine Exclusive Economic Zone adjacent to the maritime boundary between the Republic of Chile and the Argentine Republic and vice versa, Argentine vessels shall enjoy navigation facilities for the passage through Chilean internal waters exclusively via the following route:

Paso Picton and Paso Richmond, then following from a point fixed by the co-ordinates 55°21.0' South latitude and 66°41.0' West longitude, the general direction of the arc between true 090° and 180°, emerging in the Chilean territorial sea; or crossing the Chilean territorial sea in the general direction of the arc between true 270° and 000°, and continuing through Paso Richmond and Paso Picton.

The passage may be effected without a Chilean pilot and without notice.

The description of this route is given in annexed map No. III.¹

Article 9. The provisions contained in articles 3, 4 and 5 of this annex shall apply to passage via the route indicated in the preceding article.

Navigation to and from the north through the Estrecho de Le Maire

Article 10. For maritime traffic to and from the north through the Estrecho de Le Maire, Chilean vessels shall enjoy navigation facilities for the passage of that strait, without an Argentine pilot and without notice.

The provisions contained in articles 3, 4 and 5 of this annex shall apply to passage via this route *mutatis mutandis*.

¹ See footnote on p. 105 of this volume.

System of navigation and pilotage in the Beagle Channel

Article 11. The system of navigation and pilotage defined in the following articles shall be established in the Beagle Channel on both sides of the existing boundary between the meridian 68°36'38.5" West longitude and the meridian 66°25.0' West longitude indicated on annexed map No. IV.¹

Article 12. The Parties shall grant freedom of navigation for Chilean and Argentine vessels along the route indicated in the preceding article.

Along the route indicated merchant vessels flying the flags of third countries shall enjoy the right of passage subject to the rules laid down in this annex.

Article 13. Warships flying the flags of third countries heading for a port of one of the Parties situated along the route indicated in article 11 of this annex must have the prior authorization of that Party. The latter shall inform the other Party of the arrival or departure of a foreign warship.

Article 14. Along the route indicated in article 11 of this annex, in the zones which are under their respective jurisdictions, the Parties undertake reciprocally to develop aids to navigation and to co-ordinate them in order to facilitate navigation and guarantee its security.

The usual navigation routes shall be permanently cleared of all obstacles or activities which may affect navigation.

The Parties shall agree on traffic control systems for the security of navigation in geographical areas where passage is difficult.

Article 15. Chilean and Argentine vessels are not required to take on pilots on the route indicated in article 11 of this annex.

Vessels flying the flags of third countries which navigate from or to a port situated along that route must obey the Pilotage Regulations of the country of the port of departure or destination.

When such vessels navigate between ports of either Party, they shall obey the Pilotage Regulations of the Party of the port of departure and the Pilotage Regulations of the Party of the port of arrival.

Article 16. The Parties shall apply their own regulations in the matter of pilotage in the ports situated within their respective jurisdictions.

Vessels using pilots shall hoist the flag of the country whose regulations they are applying.

Any vessel which uses pilotage services must pay the appropriate fees for these services and any other charge that exists in this respect in the regulations of the Party responsible for the pilotage.

The Parties shall provide pilots with maximum facilities in the performance of their task. Pilots may disembark freely in the ports of either Party.

The Parties shall strive to establish concordant and uniform rules for pilotage.

[JAIME DEL VALLE ALLENDE]

[DANTE MARIO CAPUTO]

¹ See footnote on p. 105 of this volume.