

- CHILE

Act of Puerto Montt, 20 February 1978

Their Excellencies the Presidents of Argentina, Lieutenant-General Jorge Rafael Videla, and of Chile, General Augusto Pinochet Ugarte, meeting at Puerto Montt on 20 February 1978 upon a joint initiative, in the spirit of harmony and friendship which prevailed at the meeting held at Mendoza, Argentine Republic, on 19 January 1978, having studied at these meetings the issues pertaining to the relations between the two countries, particularly those stemming from the current situation in the southern region, and motivated by the common purpose of strengthening the historical fraternal ties between their two peoples, place on record the following:

(A) The aforesaid meeting at Mendoza laid the bases for setting in motion negotiations through which direct understandings could be reached on the fundamental issues of bilateral relations between Argentina and Chile, in particular those matters which in the view of one or the other Government remain pending in the southern region.

(B) The above bases of understanding -ratified at the present meeting-in no way modify the positions taken by the Parties with respect to the Arbitral Award on the Beagle Channel, as laid down in the notes and statements issued by the respective Governments.

(C) The two Governments have issued instructions to their respective authorities in the southern zone referred to above, so as to avoid actions or attitudes inconsistent with the spirit of peaceful co-existence which must be maintained between both countries.

(D) Their Excellencies the Presidents of Argentina and Chile, in their continuing endeavour to find ways of achieving direct understandings, and maintaining in their entirety and expressly reserving the respective positions and rights of their Governments, have agreed as follows:

1. A system of negotiations shall be established comprising three phases, to be conducted by Commissions made up of representatives of the two Governments.
2. In the first phase, without prejudice to the provisions of paragraph (C) and other arrangements which the Governments of Argentina and Chile may make with a view to strengthening co-existence, a Joint Commission shall propose to the Governments, within 45 days of the date of the present Act, measures conducive to creating the necessary conditions of harmony and equity until an integral and definitive solution is found to the questions set forth in paragraph 3.

The Governments of Argentina and Chile shall agree on appropriate measures.

Similarly, while negotiations are under way, the Parties shall not apply special rules for delimitation which one or the other of them may have laid down, nor shall they produce facts which may serve as a basis for or support any future delimitation in the southern zone, where such rules or facts may give rise to friction or difficulties with the other Party.

Came into force on 20 February 1978 by signature.

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

- 3.1. Definitive delimitation of the respective jurisdictions of Argentina and Chile in the southern zone;
- 3.2. Measures to promote policies for the physical integration, development of economic complementarity, and exploitation of natural resources by each State or jointly, including environmental protection;
- 3.3. Consideration of common interests in Antarctica, co-ordination of policies in respect of that continent, legal protection of the rights of both countries and study of progress in bilateral agreements on neighbourly relations with each other in Antarctica;
- 3.4. Questions related to the Strait of Magellan raised by the Parties, bearing in mind the relevant treaties and rules of international law;
- 3.5. Questions related to straight base lines.

This Commission shall begin its assignment from the date on which both Governments reach agreement on the proposals of the First Commission, and shall complete its work within six months at most.

4. In the third phase, once the first two are completed, the proposals of the Commission shall be submitted to the Governments of Argentina and Chile in order that they may agree on the relevant international instruments.

It is understood that those instruments shall be inspired by the spirit of the treaties which bind the Parties to each other, so as to be compatible with them without affecting or modifying them.

Similarly, what is agreed on shall have no effect with respect to Antarctica, nor may it be interpreted as prejudging the sovereignty of one or the other Party in the Antarctic territories.

(E) Desirous of finding an early solution to the questions still pending, Their Excellencies the Presidents of Argentina and Chile exchanged opinions on possible lines of delimitation of the jurisdiction of the respective countries.

(F) In proceeding thus, both Presidents feel certain that they are interpreting the deep-seated aspirations for peace, friendship and progress of the peoples of Argentina and Chile, and that they have been faithful to the legacy handed down from the Founding Fathers San Martin and O'Higgins.

The present Act is done in two copies, both equally authentic.

[JORGE RAFAEL VIDELA]

[AUGUSTO PINOCHET UGARTE]