

NON OFFICIAL TRANSLATION

No. 022/2020

The Permanent Mission of Chile to the United Nations presents its compliments to the Secretary General of the United Nations, and is honoured to enclose a note verbale sent by the Republic of Chile to the Republic of Argentina on Monday, 11 May of this year (Annex I). Among other matters, that Note reiterated that the delimitation of the outer continental shelf claimed by the Republic of Argentina is not opposable to the Republic of Chile, in everything that do not reflect the existing limits between the two countries, in light of the treaties in force. Therefore, the Republic of Chile shall continue to make reservation of all its rights to which it is entitled under international law, including the Law of the Sea.

Article 7 of the Treaty of Peace and Friendship between the Government of the Republic of Chile and the Government of the Republic of Argentina, signed at the Vatican City on 29 November 1984, delimited the existing boundary between the two countries, in the area known as the “Sea of the Southern Zone”. That boundary is shown in Map No. 1, which was included as an annex to the treaty and is also attached to this note (Annex II). Article 7 of the Treaty of Peace and Friendship clearly states that Point F, described therein, is the “end of the boundary”. Therefore, the delimitation described by the Republic of Argentina in its maps and beyond said Point F is unopposable to the Republic of Chile, both as regards the lateral segment of the shelf described south of Tierra del Fuego (between Points RA-3839 and RA-3840), as regards its alleged outer limit (between Points RA-3458 and RA-3839). Such claims cannot infringe on the rights to which the Republic of Chile is entitled under international law, including the Law of the Sea.

The Permanent Mission of Chile to the United Nations would be very grateful if the present note and its annexes were to be circulated to the Division for Ocean Affairs and the Law of the Sea, and published in the next issue of the Law of the Sea Bulletin.

The Permanent Mission of Chile to the United Nations avails itself of this opportunity to renew to the Secretary General of the United Nations the assurances of its highest consideration.

May 26th, 2020

[signature]

[stamp:] Mission of Chile to the United Nations

United Nations Secretary General
New York

cc: Division for Ocean Affairs and the Law of the Sea

NON OFFICIAL TRANSLATION

REPUBLIC OF CHILE MINISTRY OF FOREIGN RELATIONS

No. 3218

The Ministry of Foreign Relations- General Secretariat for Foreign Policy- presents its compliments to the Embassy of the Republic of Argentina, and has the honour to refer to the draft legislation initiated in March 2020, which aims to establish “*the definitive and binding demarcation of the outer limit of the Argentine continental shelf pursuant to the submission adopted by the Commission on the Limits of the Continental Shelf of the United Nations Convention on the Law of the Sea*” (File No. S-00100/2020).

As background, that draft legislation cites the Republic of Argentina’s submission on the continental shelf to the Commission on the Limits of the Continental Shelf of 21 April 2009.

In this regard, the Republic of Chile reiterates its note verbale No. 008367 dated 24 June 2009, in which Chile referred to certain aspects of said submission by Argentina. In that note, the Republic of Chile alluded, in the first place, to that part of the submission which refers to the Antarctic Sector, which partially overlaps with the Chilean Antarctic Territory, and stated that the Argentine submission could not imply a disregard of the Antarctic Treaty of 1959, nor of its fundamental principles,¹ making clear its understanding that the Argentine submission did not move from the formula agreed through notes exchanged in 2004 to address this matter. Additionally, the Republic of Chile stated its reservation of rights regarding the delimitation contained in the executive summary of the Argentine submission, stating that such tracing is not opposable to the Republic of Chile in those sections that do not correspond to the existing boundary between the two countries, in light of the treaties in force.

In reiterating the statement in Paragraph 5 of said note No. 008367, dated 24 June 2009, the Republic of Chile must address certain issues raised in the aforementioned Argentine submission.

The Republic of Chile notes that the Republic of Argentina attributes to itself a sector of the outer continental shelf in an area located south of Tierra del Fuego, the outer limit of which - according to Argentina- would go from point RA-3458 to point RA-3839, and the lateral limit of which would be a segment between points RA-3839 and RA-3840, identified in the

¹ In that sense, recall the note dated 25 May 2016 addressed to the General Secretariat of the United Nations, Division of Ocean Affairs and the Law of the Sea (DOALOS/Commission on the Limits of the Continental Shelf) by the Permanent Mission of the Republic of Chile to the United Nations; and note 40/16 dated 18 April 2016 addressed to the Permanent Mission of Argentina to the United Nations by the Permanent Mission of Chile to the United Nations.

aforementioned submission as an alleged “boundary between the respective sovereignties on the sea, seabed and subsoil of the Republic of Argentina and the Republic of Chile”.²

At the outset, the Government of Chile must first state that the segment comprised between the points identified as RA-3839 (coordinates (58° 32' 23.09"-67° 16' 00.00")) and RA-3840 (coordinates 58° 21' 06.00"-67° 16' 00.00") is not an international boundary nor a “boundary between the respective sovereignties”, as described in the aforementioned Argentine submission. It is necessary to bear in mind that the 1984 Treaty of Peace and Friendship (TPF) effects the complete delimitation between the respective sovereignties of the Parties in the zone identified as the “Sea of the Southern Zone” up to Point F,³ the coordinates of which are south latitude 58° 21'.1 and west longitude 67° 16'.0. As the segment between point RA-3839 and point RA-3840 is not part of the delimitation effected by the TPF, that delineation is therefore not opposable to the Republic of Chile, and does not affect its rights pursuant to international law, including the Law of the Sea. The same applies to the outer continental shelf and the alleged outer limit claimed by Argentina between points RA-3458 and RA-3839, as the TPF does not govern the legal status of the continental shelf located in that sector. Indeed, the legal status of the outer continental shelf claimed by Argentina in that sector is governed by international law, and it may not be modified unilaterally by Argentina. Therefore, the “outer limit” on the basis of which Argentina attempts to establish a delimitation to which Chile has not given its consent is unopposable to the Republic of Chile pursuant to international law, including the United Nations Convention on the Law of the Sea.

Additionally, with regard to the water column superjacent above the aforementioned sector of continental shelf, regard has to be paid to the TPF that governs the matter of the legal status of the water column of those waters.

As a result, the abovementioned claims of Argentina lack legal effects with regard to the Republic of Chile, that continues to make full reservation of its rights.

The Ministry of Foreign Relations has the honour to inform that the terms of this note shall be conveyed to the General Secretariat of the United Nations, in line with relevant procedures.

The Republic of Chile transmits to the Republic of Argentina its continuing desire to preserve, strengthen, and deepen the ties of peace and friendship that unite their people, and serve as pillars of their mutual relations.

The Ministry of Foreign Relations- General Secretariat for Foreign Policy- avails of this opportunity to renew to the Republic of Argentina the assurances of its highest consideration.

² Executive Summary of the 2009 submission by Argentina before the Commission on Limits of the Continental Shelf, page 14. Available at:

https://www.un.org/Depts/los/clcs_new/submissions_files/arg25_09/arg2009e_summer_esp.pdf

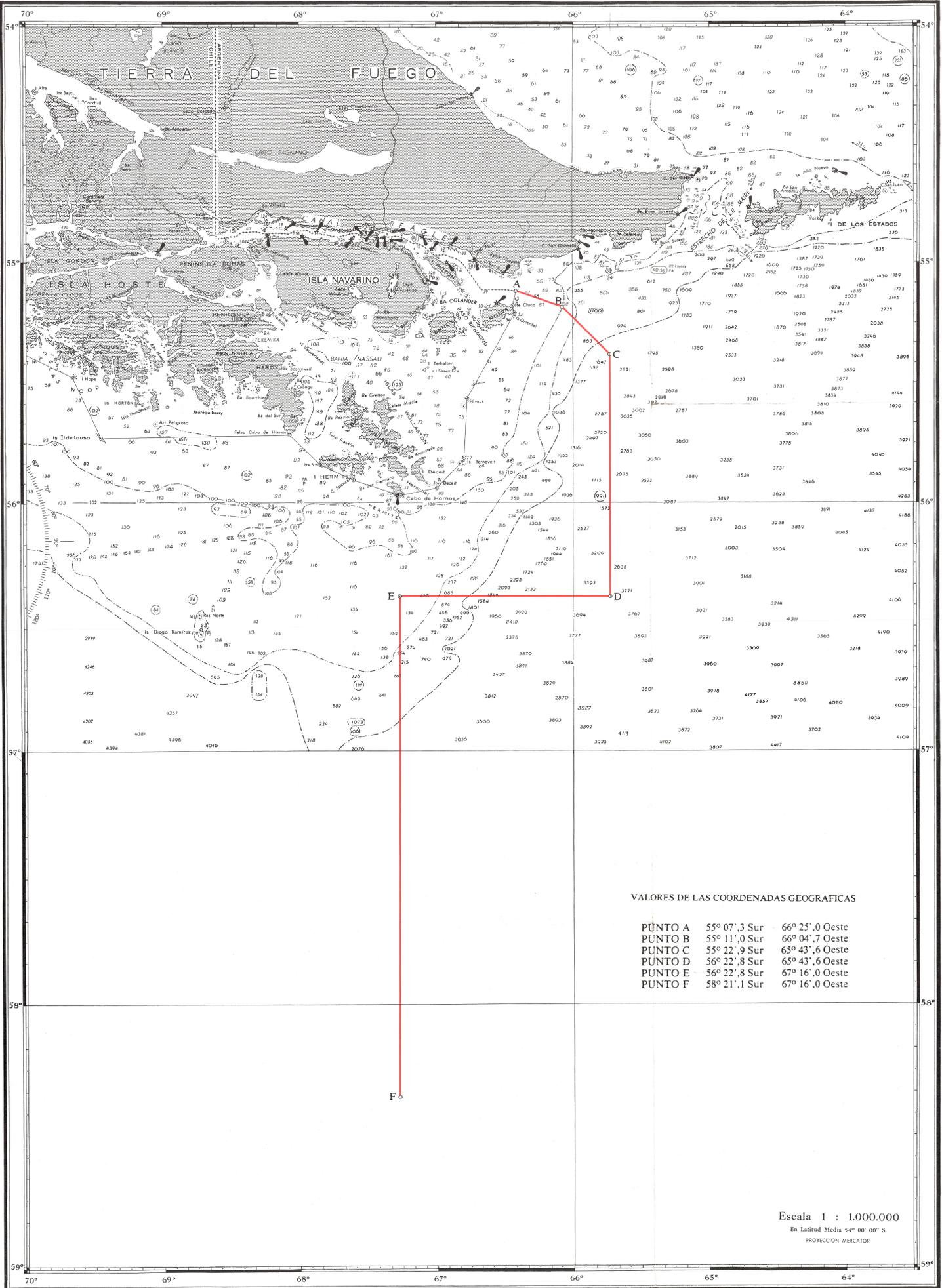
³ Article 7, Paragraph 5 of the TPF clearly states that Point F is the “end of the boundary”.

Santiago, 11 May 2020

[signature]

[stamp:] Ministry of Foreign Relations
General Secretariat for Foreign Policy

To the Honourable
Embassy of the Republic of Argentina
City



Zona entre los paralelos 54° S y 57° S según Carta N°56 del Instituto Hidrográfico de la Armada de Chile.

Se agregó el reticulado entre los paralelos 57° S y 59° S

Esta carta corresponde al Art. 7° del Tratado