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The Permanent Mission of Chile to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honor to refer to the Permanent Mission of the Argentine Republic's Note Verbale No. 616 of 3 September 2021, regarding the publication in the Official Gazette of the Republic of Chile of Decree No. 95 related to maritime spaces.

Decree No.95 modified the Decree that determines Chile's maritime zones in its southern territory, by including the jurisdictional area of 200 nautical miles of continental shelf adjacent to Chile's coast between Punta Puga and Islas Diego Ramírez, as depicted in the second edition of Chart No.8 deposited with the Secretary-General on 23 September 2021.

Chile takes this opportunity to note that the outer limits of the Chilean continental shelf depicted in *Chart No.8 (second edition)* strictly adhere to the provisions of the United Nations Law of the Sea Convention ("UNCLOS") and to the maritime delimitation agreed upon between Chile and Argentina in the Treaty of Peace and Friendship signed on 28 November 1984 ("TPF"). Chile rejects any assertion that the determination of its continental shelf East of the meridian 67° 16'.0 West longitude is in breach of UNCLOS and/or the TPF, the interpretation of which should be effected in good faith as required by international law.

Article 7 of the TPF situated the maritime boundary in the area referred to as the "Sea of the Southern Zone". Its final and southernmost point is Point F, whose coordinates are 58°21'.1 South latitude and 67°16'.0 West longitude. Pursuant to Article 7, paragraph 5 of the TPF, the Exclusive Economic Zone shall extend, up to the distance permitted by international law, to the west of the meridian 67° 16'.0 West longitude, ending on the east at the high sea. Article 7(5) does not refer to the continental shelf. Hence, Chile's inherent right to a continental shelf of 200 nautical miles from its coast south of Point F, east and west of the meridian 67° 16.0' West longitude, as recognized by Article 76(1) of UNCLOS, remains unaffected.

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Argentina asserts that Chile's claim of a continental shelf in the area southeast of Point F is manifestly extemporaneous and contrary to its prior conduct. However, Chile's determination of its continental shelf in this area is not, nor could it be, extemporaneous. According to Article 77(3) of UNCLOS, coastal States' rights over their continental shelf exist *ipso facto* and *ab initio*, and do not depend on occupation, effective or notional, or on any express proclamation.

Furthermore, Chile's position regarding Argentina's submission of the outer limit of its continental shelf in this area has been firm and consistent. Through Verbal Note No. 8367 of 24 June 2009 – never responded by Argentina – Chile protested that the boundary included in Argentina's executive summary of its submission before the Commission on the Limits of the Continental Shelf ("CLCS") did not reflect the maritime boundary existing between the two States as agreed upon in the TPF. Thus, Chile reserved its rights, and declared said boundary unopposable to it. Argentina cannot unilaterally set a maritime boundary beyond Point F.

Chile has reaffirmed its reservation of rights regarding Argentina's submission in its Note No. 3218 of 11 May 2020, sent to the Secretary-General on 26 May 2020, and in Note No. 294 of 30 July 2020. Both Notes were sent to Argentina prior to the publication of Law No. 27.557 regarding the demarcation of its outer continental shelf.

Chile also wishes to note that pursuant to Article 76(10) of UNCLOS, the recommendations of the CLCS on matters related to the establishment of the outer limits of the continental shelf, are without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts. As Chile and Argentina are States with adjacent coasts, Argentina's alleged outer continental shelf rights overlap with Chile's continental shelf rights in an area of approximately 5.300 km².

Lastly, Argentina claims that Chile is attempting to extend its continental shelf over a large extension of the seabed and ocean floor that are part of the common heritage of mankind. Nevertheless, the Chilean continental shelf to a distance of 200 nautical miles southeast of Point F does not overlap with "the Area" which is the common heritage of mankind pursuant to articles 136 et. seq. of UNCLOS. Article 1(1) of UNCLOS defines "the

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Area” as “the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction”. Consequently, the delimitation of Chile’s continental shelf to a distance of 200 nautical miles southeast of Point F does not constitute an exercise of sovereignty over any part of “the Area” or its resources.

Chile is respectful of international law and exercises its inherent right recognized in the United Nations Convention on the Law of the Sea to its 200 nautical miles continental shelf. Hence, Chile’s definition of its continental shelf should not be construed as an unfriendly gesture towards Argentina. Likewise, Chile has expressed that it is willing to solve any differences by means of dialogue and in accordance with the principle of the peaceful settlement of disputes.

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.

New York, 25 October 2021

United Nations Secretary General

New York

cc: DOALOS