

DECLARATION OF HER MAJESTY QUEEN ELIZABETH II, PURSUANT TO THE AGREEMENT FOR ARBITRATION (COMPROMISO) DETERMINED BY THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND SIGNED ON BEHALF OF THAT GOVERNMENT AND THE GOVERNMENTS OF THE ARGENTINE REPUBLIC AND THE REPUBLIC OF CHILE ON 22 JULY 1971 FOR THE ARBITRATION OF A CONTROVERSY BETWEEN THE ARGENTINE REPUBLIC AND THE REPUBLIC OF CHILE CONCERNING THE REGION OF THE BEAGLE CHANNEL⁽¹⁾

WHEREAS the Argentine Republic and the Republic of Chile (hereinafter referred to as "the Parties") became parties to a General Treaty of Arbitration signed at Santiago on 28th May 1902⁽²⁾ (hereinafter referred to as "the Treaty");

AND WHEREAS His Britannic Majesty's Government duly accepted the duty of Arbitrator conferred upon them by the Treaty;

AND WHEREAS a controversy has arisen between the Parties concerning the region of the Beagle Channel;

AND WHEREAS, on this occasion, the Parties concurred with regard to the applicability of the Treaty to this controversy and requested the intervention of Our Government in the United Kingdom of Great Britain and Northern Ireland as Arbitrator;

AND WHEREAS Our Government in the United Kingdom, after hearing the Parties, were satisfied that it would be appropriate for them to act as Arbitrator in the controversy;

AND WHEREAS Our Government in the United Kingdom, in accordance with the Treaty and after consulting the Parties separately, determined the Agreement for Arbitration (Compromiso) which was signed on behalf of Our said Government and the Parties at London on 22nd July 1971⁽³⁾;

AND WHEREAS for the purpose of fulfilling their duties as Arbitrator Our Government in the United Kingdom appointed a Court of Arbitration composed of the following members:

Mr. Hardy C. Dillard (United States of America)

Sir Gerald Fitzmaurice (United Kingdom)

Mr. André Gros (France)

Mr. Charles D. Onyeama (Nigeria) and

Mr. Sture Petré (Sweden);

⁽¹⁾ In accordance with Article XIII of the Agreement for Arbitration (Compromiso), the decision of the Court of Arbitration with this declaration that such decision constitutes the Award in accordance with the General Treaty of Arbitration signed at Santiago on 28th May 1902 was communicated to the Argentine Republic and the Republic of Chile by delivery to the London addresses of the Heads of their Diplomatic Missions on 2 May 1977.

⁽²⁾ British and Foreign State Papers vol. 95, p. 759.

⁽³⁾ Miscellaneous No. 23 (1971), Cmnd. 4781.

AND WHEREAS, the Government of the Argentine Republic having on 11th March 1972 denounced the Treaty with effect from 22nd September 1972, both Parties stated their understanding, which was shared by Our Government in the United Kingdom, that this would in no way affect the arbitration proceedings in the present case and that the Treaty and the Agreement for Arbitration (Compromiso) would continue in force with respect to those proceedings until their final conclusion;

AND WHEREAS the Parties have presented to the Court of Arbitration written pleadings and maps and other documents;

AND WHEREAS, having heard representatives of the Parties, the Court of Arbitration, accompanied by the Registrar and representatives of the Parties, visited the Beagle Channel region in March 1976;

AND WHEREAS representatives of the Parties took part in oral hearings before the Court of Arbitration between 7th September and 23rd October 1976;

AND WHEREAS the Court of Arbitration, acting in accordance with the provisions of the Agreement for Arbitration (Compromiso), has considered the questions specified in paragraphs (1) and (2) of Article I of that Agreement, reaching its conclusions in accordance with the principles of international law, and has transmitted to Our Government in the United Kingdom its Decision thereon (a copy of which Decision is annexed to this Declaration), including the drawing of the boundary line on a chart;

AND WHEREAS Our Government in the United Kingdom have fully and carefully studied the Decision of the Court of Arbitration, which decides definitively each point in dispute and states the reasons for the decision on each point;

Now, in pursuance of Article XIII of the Agreement for Arbitration (Compromiso) and in the name of Our Government in the United Kingdom, WE, ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith, etc., etc., etc., hereby ratify the Decision of the Court of Arbitration and declare that the said Decision constitutes the Award in accordance with the Treaty.

GIVEN in triplicate under Our hand and seal, at Our Court of St. James's this Eighteenth day of April, One thousand Nine hundred and Seventy-seven in the Twenty-sixth year of Our Reign.

ELIZABETH R.

II

EXCHANGE OF DIPLOMATIC NOTES BETWEEN ARGENTINA AND CHILE
CONCERNING THE AWARDECHANGE DE NOTES DIPLOMATIQUES ENTRE L'ARGENTINE
ET LE CHILI CONCERNANT LA SENTENCE

NOTE FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE ARGENTINE
REPUBLIC TO THE AMBASSADOR OF CHILE IN ARGENTINA*

Buenos Aires, 25 January 1978

Sir,

I am pleased to inform you, on express instructions from my Government, that the Government of the Argentine Republic, after carefully studying the arbitral Award by Her Britannic Majesty on the Beagle Channel dispute, has decided to declare the Arbitrator's decision irrevocably null and void under international law.

My Government's declaration is contained in the attached document.

The Argentine Republic does not therefore consider itself bound to comply with the arbitral Decision and, consequently, wishes to inform you that it does not and will not recognize the validity of any title that the Republic of Chile may invoke on the basis of the arbitral Award, in order to arrogate to itself sovereign rights over any territory or maritime area.

My Government believes that it is not in the interest of our two Republics to see the quality of our relations impaired by an arbitral decision issued in violation of international law. For this reason, I wish also to advise you that the Argentine Government feels that the most suitable course for finding permanent and definitive solutions, and that most in keeping with our history, is to negotiate bilaterally all the jurisdictional differences between the two countries, as the recent meeting of the Presidents of the two nations, held in the city of Mendoza, demonstrated.

* Translated from Spanish into English by the Secretariat of the United Nations.